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An abſtract of the act decimo Georgii III. cap. 16. *to regulate the trials of controverted elections, or returns of members to ſerve in parliament.* [227. 307.]

Preamble. THE preſent mode of deciſion upon petitions, complaining of undue elections, or returns of members to ſerve in parliament, frequently obſtructs public buſineſs; occaſions much expence, trouble, and delay to the parties; is defective, for want of thoſe ſanctions and ſolemnities which are eſtabliſhed by law in other trials, and is attended with many other inconveniencies.

§ 1. After the end of the preſent ſeſſion, when a petition, complaining of ſuch undue election or return, ſhall be preſented to the houſe of Commons, a day and hour ſhall be appointed for taking the ſame into conſideration; and notice thereof in writing ſhall be forthwith given, by the Speaker, to the petitioners and the ſitting members, or their reſpective agents, with an order to attend.——2. No ſuch petition ſhall be taken into conſideration within fourteen days after the appointment of the committee of privileges.——3. The Houſe may alter the day and hour ſo appointed, and appoint another day and hour, giving to the parties notice of the alteration, and an order to attend.

4. At the time appointed for taking ſuch petition into conſideration, and previous to the reading of the order for that purpoſe, the ſerjeant at arms ſhall

go to the places adjacent, and require the immediate attendance of the members. After his return, the Houſe ſhall be counted; and if there be leſs than one hundred members preſent, the order ſhall be adjourned to a particular hour on the following day, (Sunday and Chriſtmas day excepted), and the Houſe ſhall adjourn to the ſaid day; and the proceedings of all committees ſubſequent to ſuch notice from the ſaid ſerjeant, ſhall be void. On the ſaid following day, the Houſe ſhall proceed in the ſame manner; and ſo, from day to day, till there be an attendance of one hundred members.

5. If after ſummoning, and counting, as aforeſaid, one hundred members ſhall be found to be preſent; the petitioners, by themſelves, their counſel, or agents, and the counſel or agents of the ſitting members, ſhall be ordered to attend at the bar. Then the door of the houſe ſhall be locked, and no member ſhall be ſuffered to enter into or depart from the houſe, until the perſons at the bar ſhall be directed to withdraw, as after mentioned. When the door ſhall be locked as aforeſaid, the order of the day ſhall be read, and the names of all the members of the Houſe, written or printed on diſtinct pieces of parchment or paper, all as near as may be of equal ſize, and rolled up in the ſame manner, ſhall be put in equal numbers into ſix boxes or glaſſes placed on the table, and ſhall there be ſhaken together. Then the clerk ſhall publicly draw out alternately theſe pieces, and deliver them to the ſpeaker, to be read to the Houſe; and ſo ſhall continue to do, till forty-nine names of the members preſent be drawn. —— 6. If the name of any member who ſhall have given his vote at the election complained of, or who ſhall be a petitioner complaining of an undue election or return, or againſt whoſe return a petition ſhall be then depending, or whoſe return ſhall not have been brought in fourteen days, ſhall be drawn, his name ſhall be ſet aſide, with the names of thoſe who are abſent. —— 7. If the name of any member of ſixty years of age or upwards be drawn, he ſhall be excuſed from ſerving on the ſelect committee, if he require it, and verify the cauſe of ſuch requiſition upon oath. —— 8. If the name of any member who has ſerved in ſuch ſelect committee during the ſame ſeſſion be drawn, he ſhall, if he require it, be excuſed from ſerving in any ſuch committee, unleſs the Houſe ſhall, before the day appointed for taking the ſaid petition into conſideration, have reſolved, that the number of members who have not ſo ſerved, is inſufficient to fulfil the purpoſes of the act. —— 9. No member who, after having been appointed, ſhall, on account of inability or accident, have been excuſed attending the committee throughout, ſhall be deemed to have ſerved.

10. If any other member ſhall offer, upon oath, any other excuſe, the ſubſtance of the allegations ſhall be taken down by the clerk, in order to be entered on the journals, and the opinion of the Houſe ſhall be taken thereon; and if the Houſe ſhall reſolve, that the ſaid member is unable to ſerve, or cannot without great and manifeſt detriment, he ſhall be excuſed.

11. Inſtead of the members ſo ſet aſide and excuſed, the names of other members ſhall be drawn; who may, in like manner, be ſet aſide or excuſed, and others drawn to ſupply their places, until the whole forty-nine members not liable to be ſet aſide or excuſed, ſhall be complete; and the petitioners or their agents ſhall then name one, and the ſitting members, or their agents, another, from among the members then preſent whoſe names ſhall not have been drawn, to be added to thoſe who ſhall have been choſen by lot. —— 12. Either of the members ſo nominated, may be ſet aſide for any of the ſame cauſes as thoſe choſen by lot; or ſhall, if he requires it, be excuſed; and the party who nominated him, ſhall nominate another in his ſtead, and ſo continue to do till the nominee is admitted.

13. As ſoon as the forty-nine members ſhall have been choſen by lot, and the two members to be added ſhall have been nominated, the door of the houſe ſhall be opened, and the houſe may proceed upon any other buſineſs. Liſts of the forty-nine ſhall then be given to the petitioners, their counſel, or agents, and the counſel or agents for the ſitting members; who ſhall immediately withdraw, with the clerk appointed to attend the committee; and the petitioners and ſitting members, their counſel, or agents, beginning on the part of the petitioners, ſhall alternately ſtrike off one of the forty-nine, till the number be reduced to thirteen; and the clerk, within one hour

hour at fartheſt from the time of the parties withdrawing, ſhall deliver in to the Houſe the names of the thirteen members then remaining: and the ſaid thirteen members, together with the two members nominated as aforeſaid, ſhall be ſworn at the table, *well and truly to try the matter of the petition referred to them, and a true judgement to give according to the evidence;* and ſhall be a ſelect committee to try and determine the merits of that return or election; and the Houſe ſhall order them to meet at a fixed time within twenty-four hours after their being appointed; and the place of their meeting ſhall be ſome convenient room adjacent. —— 14. On the parties ſo withdrawing, the houſe ſhall continue ſitting; and the fifty-one members ſo choſen and nominated, ſhall not depart the houſe till the time for the meeting of the ſelect committee be fixed.

15. If upon drawing the name of a member as aforeſaid, either of the parties declare, that ſuch member is intended to be one of the nominees, and if the member conſent, his name ſhall be ſet aſide, and unleſs objected to as aforeſaid, he ſhall ſerve as ſuch nominee, and the name of another ſhall be drawn to ſupply his place to complete the number forty-nine: and if the parties ſhall not reſpectively nominate a member then preſent, who ſhall be admitted, then the want of ſuch nomination ſhall be ſupplied, by drawing, inſtead thereof, one or two members, as the caſe ſhall require; who ſhall be drawn by lot, in like manner, and ſubject to the like objections and excuſes, as the other forty-nine; and ſhall be added to the liſts of the ſaid forty-nine, and ſhall be liable to be ſtruck off in the ſame manner; leaving always fifteen, and no more, as a ſelect committee.

16. For the greater diſpatch and certainty in the proceeding, the names of all the members ſo written and roiled up, ſhall, previous to the day appointed for taking the petition into conſideration, be prepared by the clerk, and by him put into a box or parcel in the preſence of the Speaker, together with an atteſtation, ſigned by the clerk, purporting, that the names of all the members were by him put therein the day of in the year which box or parcel the Speaker ſhall ſeal with his own ſeal; and to the outſide ſhall annex an atteſtation ſigned by himſelf, purporting, that the ſaid box or parcel was, on the day of in the year made up in his preſence: and as ſoon as the parties ſhall be withdrawn, before the Houſe enter on any other buſineſs, any member may require, that the names of all the members which remain undrawn, ſhall be drawn, and read aloud by the clerk.

17. The ſelect committee ſhall, on their meeting, elect a chairman from among the members choſen by lot; and if in the election of a chairman there be an equal number of voices, the member whoſe name was firſt drawn in the houſe ſhall have a caſting voice; ſo likewiſe in caſe there ſhould ever be occaſion for electing a new chairman on the death or neceſſary abſence of the chairman firſt elected.

18. The ſelect committee ſhall have power to ſend for perſons, papers, and records; ſhall examine all witneſſes upon oath; ſhall try the merits of the return, or election, or both; and ſhall determine, by a majority of voices, whether the petitioners or the ſitting members, or either of them, be duly returned or elected, or whether the election be void; which determination ſhall be final between the parties to all intents and purpoſes: and the Houſe, on being informed thereof by the chairman of the committee, ſhall order the ſame to be entered in their journals, and ſhall give the neceſſary directions for confirming or altering the return, or for the iſſuing a new writ for a new election, or for carrying the determination into execution, as the caſe may require.

19. The ſelect committee ſhall ſit every day, Sunday and Chriſtmas day excepted; and ſhall never adjourn for a longer time than twenty-four hours, without leave from the Houſe, upon motion, and ſpecial cauſe aſſigned for a longer adjournment; and in caſe the Houſe ſhall be ſitting at the time to which the ſelect committee is adjourned, the buſineſs of the Houſe ſhall be ſtayed, and a motion ſhall be made for a further adjournment for any time not exceeding twenty-four hours.

20. Where the time preſcribed for the meeting or adjournment of the ſelect committee, ſhall, by the intervention of a Sunday or Chriſtmas day, exceed twenty-four hours, ſuch meeting or adjournment ſhall be within twenty-four hours from the time of appointing the ſame excluſive of ſuch Sunday or Chriſtmas day.

21. No member of the ſelect committee ſhall abſent himſelf without leave from the Houſe, or an excuſe allowed by the Houſe at its next ſitting, on ſpecial cauſe ſhewn, and verified upon oath; and the ſelect committee ſhall never ſit, until all the members to whom ſuch leave has not been granted, nor excuſe allowed, are met; and in caſe they ſhall not all meet within one hour after the time to which they ſhall have been adjourned, a farther adjournment ſhall be made in the manner before directed, and reported, with the cauſe thereof, to the Houſe.

22. The chairman of the committee ſhall, at the next meeting of the Houſe, always report the name of every member who ſhall have been abſent without leave or excuſe; and ſuch member ſhall be directed to attend the Houſe at its next ſitting, and ſhall then be taken into the cuſtody of the ſerjeant at arms, for ſuch neglect of his duty, and otherwiſe puniſhed or cenſured at the diſcretion of the Houſe, unleſs it ſhall appear, by facts verified upon oath, that he was, by a ſudden accident, or neceſſity, prevented from attending the ſelect committee.

23. If more than two members be abſent, the ſelect committee ſhall adjourn, from time to time, till thirteen members are aſſembled.

24. In caſe the number of members able to attend, ſhall, by death or otherwiſe, be reduced to leſs than thirteen, and ſhall ſo continue for three ſitting days, the ſelect committee ſhall be diſſolved, and another choſen to try and determine the matter of ſuch petition; and all the proceedings of the former committee ſhall be void.

25. If the ſelect committee ſhall come to any reſolution other than the determination, they may report the ſame to the Houſe at the time the chairman ſhall inform the Houſe of the determination; and the Houſe may confirm or diſagree with ſuch reſolution, and make ſuch orders thereon as to them ſhall ſeem proper.

26. If any perſon ſummoned by the ſelect committee ſhall diſobey ſuch ſummons, or if any witneſs ſhall prevaricate before them, or otherwiſe miſbehave in giving, or refuſing to give evidence, the chairman may report the ſame to the Houſe, for the interpoſition of their authority or cenſure.

27. Whenever the ſelect committee ſhall think it neceſſary to deliberate upon any queſtion; as ſoon as they ſhall have heard the evidence and counſel on both ſides, the room ſhall be cleared if they think proper, while the members conſider thereof: and all queſtions ſhall be determined by a majority of voices; and if the voices be equal, the chairman ſhall have a caſting voice. —— 28. No determination ſhall be made, nor queſtion propoſed, unleſs thirteen members be preſent; and no member ſhall have a vote in any queſtion who has not attended every ſitting of the committee.

29. The oaths by this act directed to be taken in the houſe, ſhall be adminiſtered by the clerk, in the ſame manner as the oaths of allegiance and ſupremacy are adminiſtered; and the oaths to be taken before the ſelect committee, ſhall be adminiſtered by the clerk of the committee: and all perſons guilty of wilful and corrupt perjury in any evidence which they ſhall ſo give, ſhall, on conviction, ſuffer the pains and penalties to which perſons convicted of wilful and corrupt perjury are liable.

30. This act ſhall continue in force ſeven years, and till the end of the ſeſſion of parliament next after.

Copy of a letter found among ſt a gentleman's papers of the firſt rank, after his deceaſe in 1770.

My Lord,

Though the following letter hath been ſo long kept in ſecret, and hid from the public, I give you my honour it is genuine. It was with great difficulty I obtained a copy of it; and though I am not maſter enough of the French language to do it juſtice by a tranſlation, and if it ſhould not be ſo correct or ſublime in Engliſh as in the original, yet it will in a great meaſure diſcover the real ſentiments of his Pruſſian Majeſty to the unhappy family of Stuart.

The K. of Pruſſia's Letter to his Royal Highneſs Prince Charles. [viii. 443.]

Much beloved Couſin,

I Can no longer, my dear Prince, deny myſelf the ſatisfaction of congratulating you on your ſafe arrival in France; and though the connection with the reigning family did not permit me to rejoice too openly at the progreſs of your arms, I can aſſure you, on the word of a King, I was ſincerely touched at your misfortunes, and under the deepeſt apprehenſions

prehenſions for the ſafety of your perſon. All Europe was aſtoniſhed at the greatneſs of your enterpriſe; for though Alexander and other heroes have conquered kingdoms with inferior armies, you are the only one who ever engaged in ſuch an attempt without any. Voltaire, who of all poets is beſt able to write, is above all men indebted to your Highneſs for having at length furniſhed him with a ſubject worthy of his pen, which has all the requiſites of an Epic Poem, except an happier event. However, though Fortune was your foe, Great Britain, and not your Highneſs, are the only loſers by it; as the difficulties you have undergone, have only ſerved to diſcover thoſe talents and virtues which have gained you the admiration of all mankind, and even the eſteem of thoſe amongſt your enemies in whom every ſpark of virtue is not totally extinct.

The Princeſs, who has all the curioſity of her ſex, is deſirous of ſeeing the features of a hero of whom ſhe has heard ſo much; ſo that your Highneſs has it in your power to oblige both her and me in ſending us your picture by the Count D—, who is in his return to Berlin; and be aſſured, I ſhall eſteem it the moſt valuable acquiſition I ever made.

You are frequently the ſubject of my converſation with Marſhal Keith, whom I have had the good fortune to engage in my ſervice: And, beſides his conſummate knowledge in military affairs, he is poſſeſſed of a thouſand amiable qualities; yet nothing endears him ſo much to me as his entertaining the ſame ſentiments that I do with regard to your Royal Highneſs.

Were my ſituation different from what it is, I ſhould give you more.

Poſſdam, Jan. 12. 1747.

An uncommon production from a cat.

IN her litter of kittens there was one, to the ſide of the neck of which was annexed the whole form and head of a rat; the two fore legs were thoſe of a cat, the hind ones thoſe of a rat; the vertebræ of the back, for above an inch, entirely raw, and void of any covering of ſkin. The reaſon aſſigned for this production is, that a few days before her bringing forth her young, ſhe had a a ſmart rencounter with a rat of a very large ſize, and, in toſſing him over her back, he ſeized the cat on that part of the loin which appears to be void of ſkin. —— *Canterbury, July* 17. 1770.

STORY OF LE PEUVRE.

In the manner of STERNE.

— ***** — "Bleſs me! what a ſhower! — Fool that I was to leave my great coat at N— What! thunder too — Why then for the road." —— With this, I clapt ſpurs to my horſe, and ſcampered away, as if a thouſand d——s had been purſuing me. — At laſt I reached a place of ſhelter. —— "Good Heavens!" ſaid I, entering, and leading my horſe after me by the bridle; — it was an old ruinous hut: — "Good Heavens! were I in France, I would ſwear this was the Mill of LE PEUVRE." —— "And who is LE PEUVRE?" ſaid Eugenius, with a look denoting curioſity, — in its moſt ſimple movement, ſtript of all warmth and impatience. — I will tell thee," ſaid I.

—— If thy ſoul, Reader, is one of thoſe tender ones, which vibrate back the plaintive notes of Miſery, thou wilt not repent keeping pace with me a few moments. — If it has not been formed in that heavenly mould, the little excurſion I am going to make, alas! will afford no entertainment to thee. — Paſs on, I adviſe thee, to the next ſtage: — I will quickly overtake thee.

Whilſt the young Count de R— was recovering his health, by help of the delightful air of Montpelier, I uſed ſometimes to go a-fiſhing, to a fine clear river about four miles diſtant from the hotel where the Count lodged. — Being one day overtaken by a heavy ſhower, hard by a water-mill, the very image of this we are now in, I made up to it for ſhelter. — I went in. —— He was an old man; — his head ſilvered o'er with years; — his body bowed together with hard labour: — a thouſand cares ſat brooding on his countenance, which was ſettled to that particular caſt of features which beſpeaks a mind familiar with Misfortune. He was bent over a ſhallow iron pot, which was placed upon a furnace, and filled with beans, which, as they dried, he ever and anon ſcattered round the pot, with a ſhort iron ſhovel which he graſped in both his hands.

The poor old man was labouring with all his might. — Tho' a greaſy old ſhirt, and a pair of breeches in a thouſand tatters, were all the cloaths he had on, he was all in a ſweat; and I thought I could now and then perceive a tear to drop into the veſſel as he ſtirred round

the

the beans. — I was interested in his fortunes from the moment I saw him.

I longed to hear his story from his own mouth; but it was with the utmost difficulty I could prevail on him to begin the recital; and he seemed more concerned at the uneasiness I might feel, by taking part in his distress, than the thought of reviving his own sorrow. — "Thou art a generous soul," said I to myself: — "Pity one so delicate should ever know Misfortune!"

At last he began. — "His name was Le Peuvre; he had spent his youth in all the chearfulness and jollity peculiar to that gay period, when unsoured by trouble, and unruffled by adversity. Fortune had smiled on his early labours: — his barns were filled with grain; — his stalls with cattle: — he had a faithful wife to share his heart, and a promising offspring to sharpen his industry. But scarce had the hand of Time begun to tinge his locks; — his barns were burnt to the ground; — his cattle smothered in the stalls; — his children — dreadful blow to a father! — torn from his arms; — and himself forced to toil, from morning to night, to a hard master, to gain a miserable subsistence. — But praised be Heaven," — added he, with a look and tone that quite enchanted me, — "my misfortunes are still tolerable. — What had become of thee, Le Peuvre, had Fortune, along with thy other comforts, sweeped away thy faithful wife, — thy best and only blessing. — I swear by the soul of St Peter," — I could have believed his simple word, — "that I would not live, but for the pleasure I feel in earning bread for my poor dear Marie, and wiping the tears from her cheeks. — This one enjoyment is more than sufficient to sweeten the bitter draught."

As he was saying these words, I could perceive a sprightliness in his looks, which was not before. The melancholy gloom for some moments left his countenance, and he seemed to ply his work with greater agility.

— "And how long," — said I, stretching out my hand to him, and grasping his poor wrinkled arm, — "how long hast thou borne this sad reverse of Fortune?" — "Eight long years," — said the unfortunate old man, relapsing that instant into all his former sadness. — "Just Heaven!" said I, clasping my hands together, — why was I not born a King? — I would not have one sorrowful heart in my whole dominions." — Kings sometimes stretch their prerogative.

It was about six months after that I told the story of Le Peuvre at the Count de R——s table in the hearing of a numerous company. It drew tears from every eye. The young Count was melted into tenderness. — Whatever he did; — where-ever he went; — the story of Le Peuvre ran in his mind. He was determined to relieve the good old man; and proposed an immense pleasure from being himself a witness of his joy, at so unlooked-for a change in his circumstances. — We accordingly set out together for the mill. — By the road, nothing but Le Peuvre ingrossed our thoughts. — At last we reached the place. — We made up to the mill; — crossed the threshold: — but no Le Peuvre there! — We advanced to the furnace: — the embers were cold, — the pot overspread with rust. — I took the little shovel in my hand; — turned it about; — looked at it; — turned, — and looked again: — "Good God!" said I, "what can this mean? — Where? where is Le Peuvre?"

— "Where Misfortune shall never reach him more," said a country-man, who had come up to the threshold: — "it is almost four months, since, worn out with age, and crushed with the weight of his miseries, he paid his debt to Nature. — The whole village was in tears for the old man. — His poor wife was deaf to consolation: — The peasants all around made large contributions to support her; — but her heart was broken. — For eight days she came regularly at sun-set to his grave, and let fall the tributary drops to his memory! — on the twelfth she was laid beside him."

The country-man accompanied this affecting relation with an accent so expressive of sensibility, and a gesture so truly eloquent, that he pierced my very soul. — "Poor Le Peuvre!" — said I, — "we are too late for thy relief! — Heaven has anticipated us; — and I trust thou art no loser by the exchange!" — With these words, we gave a parting look to the furnace, and returned with heavy hearts to B——e.

Bevoriskius.

Glasgow, May 23. 1770.

A deſcription of the MOREA, and its chief cities.

[As a bloody war is now raging between the Ruſſians and Turks in the Morea, a brief deſcription of that celebrated country, with a map of its coaſts and the adjacent iſlands, muſt, at this time, be ſubjects of curioſity, and therefore are here inſerted.]

THE peninſula of the Morea, (the ancient Peloponneſus), now invaded by the Ruſſians, has, on the north-eaſt, the iſthmus of Corinth, which joins it to the main land of Greece; and, in its narroweſt place, is not above four or five miles over from one ſea to the other. On the north it has the gulf of Corintho, (famous in hiſtory for the victory gained there, Oct. 2. 1571, by the Venetian fleet, commanded by Don John of Auſtria, over the Turks; 30,000 Turks being killed, and 20,000 Chriſtian ſlaves ſet at liberty); on the north-weſt the gulf of Patras; the Arcadian ſea on the ſouth-weſt; the ſea of Candia on the ſouth; the Ægean ſea on the eaſt; and the gulf of Engia on the north-eaſt. It lies between 36 and 39 degrees of north latitude. Its preſent name is derived from *Morus*, a Mulberry-tree, in Greek, Μορεα, becauſe thoſe trees grow naturally there in great plenty.

After many revolutions, it became ſubject to the Emperor Manuel Comnenus, about the year 1150; who, at his death, divided it among his ſeven ſons. Theſe princes were called *Deſpotes*. Demetrius and Thomas, the brothers of Conſtantine Palæologus, were the laſt of theſe Deſpotes; for, in their time, the Turkiſh Sultan, Mahomet II. took the Morea, and expelled the Venetians that were there. The Turks kept it till 1687; when the Venetians retook it, under Gen. Moroſine, (whereby he obtained the title of *Peloponneſian*), and it was entirely reſigned to them by the treaty of Carlowitz. But, in 1715, the turks again made themſelves maſters of the whole Morea, and have kept poſſeſſion of it ever ſince.

Patras, that was beſieged by the Ruſſians, and taken, and which has been ſince retaken and deſtroyed by the Turks, is ſituated on a hill, about a mile from the ſea, at the foot of a high mountain, with a valley between, ten miles from the mouth of the gulf of Lepanto, towards the ſouth. It derives its name from one Patreus, who enlarged the city, it having been built by Emmelus, who learned from Triptolemus the art of building. The Turks had in this city ſix moſques; and the Jews four ſynagogues. The whole number of inhabitants was ſuppoſed to be four or five thouſand.

The city Corinth, now Corintho, or Coritho, is ſituated about two miles from the gulf of Corintho, and ſix from that of Engia; the firſt of which is often called the gulf of *Lepanto*, as the other is called *Salamino*. They are ſeparated from each other by an iſthmus, about five Engliſh miles over, though by the way of Corinth it is ſix, and has a village near it, called *Hexamilia*, from that very circumſtance. The ancients began to cut a canal acroſs the iſthmus, in order to form a communication between the two ſeas, but were prohibited by the oracle to proceed. The Lacedemonians, however, built a wall from one ſhore to the other, the foundations of which are yet to be ſeen in ſeveral places; which the Venetians repaired while the country was in their poſſeſſion, but now it is deſtroyed.

The city Corinth is divided into the low and high town, which laſt is ſituated in or near a caſtle of great extent, and naturally ſtrong. It ſtands on a rock, the height of which is ſo great, and the precipices ſo ſteep, that only one part of it is acceſſible.

The gate next to the lower town is plated with iron, and the houſes ſtand thick within it, for ſeveral of the lower town's people have houſes within the caſtle, where they ſecure their beſt effects, and to which they retire on every new alarm, being frequently viſited by Turkiſh or Chriſtian rovers. The ſecond gate has a tower on each ſide of it; and the wall is ſtrong, and about two miles in circumference. There are many houſes in it, but moſt of them are in a ruinous condition. This wall incloſes the two principal points of the rock; on one of which ſtands a tower, and on the other a ſmall moſque, from whence there is a moſt delightful proſpect; for on the right there is a view of the gulf of Engia, and all its little iſlands; on the left the gulf of Lepanto, as far as Salonia; and to the north one may ſee as far as Mount Parnaſſus, Helicon, and the other famous mountains, ſo beautifully deſcribed by the ancient poets; in ſhort, it has a proſpect forty miles round. About ten

years

years ago, the ramparts were but weak, and the artillery unſerviceable; but of late the ramparts have been ſtrengthened, and cannon have been ſent from Marſeilles and Toulon, and properly diſpoſed by Spaniſh and French engineers, whom, before the war, the Turks had employed to fortify the place.

The plain of Corinth, towards Sicyon, is watered by two rivulets, is well cultivated, overſpread with olive-yards and vineyards, and with many little villages ſcattered up and down. It abounds with excellent oil, good wine, and ſuch plenty of corn that it ſupplies the neighbouring countries, which are more mountainous and leſs fruitful.

From the caſtle to the lower town there is a ſteep deſcent; but that of the town itſelf is eaſy and agreeable, and not above a mile from the ſea. The buildings are not contiguous, there being in ſome places eight, ten, or twenty houſes in a cluſter, with orchards, gardens, and corn-fields, between the ſeveral hamlets; ſo that the town ſeems to be made up of a great number of diſtinct villages. The largeſt diviſion of it is that where the market is kept, conſiſting of ninety or an hundred houſes, which is alſo adorned with two moſques, and a ſmall church, dedicated to the Bleſſed Virgin, near which the Archbiſhop reſides.

The number of Turks and Chriſtians in Corinth is pretty nigh equal; but they are not reckoned to amount to above 6000, both in the town and in the caſtle. Under the walls of the caſtle, towards the town, is a little chapel hewn out of a rock, and dedicated to St Paul, by whoſe miniſtry the city was firſt bleſſed with the light of the goſpel. However, Chriſtianity ſeems to be at a very low ebb among the preſent Corinthians, no people being more groſsly ignorant of the principles of their religion, which they are too frequently renouncing to embrace the Mahometan ſuperſtition.

Corinth was, for a long time, one of the moſt famous cities of all Greece; for being advantageouſly ſituated between two ſeas, it carried on an extenſive commerce, which greatly contributed to its wealth and power; inſomuch that the Romans themſelves became jealous of its grandeur. The Corinthians even inſulted the Roman deputies; which induced the Conſul Mummius after a victory over the Achæans, to enter Corinth with his army, and give it up to be plundered by the ſoldiers. All the men who had not eſcaped the night before, were put to the ſword, and the women and children were ſold. After removing the ſtatues, paintings, and rich moveables to Rome, he ordered the city to be ſet on fire. It burnt fiercely for ſeveral days, till it was entirely reduced to aſhes. The walls were afterwards by orders of the ſenate, demoliſhed, and raſed to the very foundation. However, it was rebuilt by Julius Cæſar, and again ruined by Alaric, King of the Goths.

The other noble cities of the Morea, ſo famous among the ancients, are in the ſame ſituation with Corinth, ruinous, degenerate, and deſerted; and yet the very ruins of their temples and palaces are ſtriking and inſtructive.

The caſtles, called the *Dardanelles*, which defend the ſtreight that leads from the Archipelago to Conſtantinople, were built by Mahomet IV. in 1659. The waters that paſs through this canal out of the Propontis, are as rapid as if they flowed beneath a bridge; and when the north wind blows, no ſhip can enter: but when it is ſouth, there is ſcarce any current at all; ſo that the paſſage may be forced without much danger, the caſtles being four miles aſunder. The Turkiſh artillery, however monſtrous it looks, will not much annoy the ſhips if they have a good wind, and go on in a file. The port-holes of the cannon belonging to theſe caſtles, look like coach-houſe doors; but the cannon, which Tournefort ſays are the largeſt he ever ſaw, not being ſet on carriages, cannot fire above once: and who would dare to load them in the preſence of ſhips of war, that would pour in ſuch broadſides upon them, as would ſoon demoliſh the walls of the caſtles, which are not terraſſed, and bury beneath the ruins both guns and gunners? The lateſt advices aſſure us, the Ruſſian fleet have already paſſed theſe famous caſtles; but who would have believed, half a century ago, that thoſe ſavages who now cover the ocean with their ſhips of war, could in ſo ſhort a time have riſen to ſuch a height of grandeur? and who knows, but that the ſame people in a like period of time, may contend with the other maritime powers for the empire of the ſea?

Re-

Longit East from Ferro
Scales
British & French Sea Leagues to a Degree
British Miles Geog to a Degree
French Leagues to a Degree
MACEDONIA
Saloniki
ALBANIA
Larissa
Volo
Arta
ABYA
Salona
Lepante
Vostitza
Corinth
Belvedere
ZANTE
MOREA
Argos
Napoli de Romania
Navarin
Modon
Coron
Sapienza
Cerigo
Matapan
Candia
Canea
Retimo
Suda
Spada
Gozzo di Candia
An
Accurate Map
of the
SEAT OF WAR
in the
MEDITERRANEAN
including the
MOREA
and
ARCHIPELAGO

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Re-

Neele's Magazine 1777 p. 444.

Longit East from Ferro

MACEDONIA

ROMANIA

Rodosto

CONSTANTINOPLE

Saloniki

Old Cavale

Cavale

Leipsi Fanari

Mamia

Mesaria

Castro Sarvo

Marica R.

Eno

Perigi

Megaricum

Heraclea

Gulf of Ismid

SEA of MARMORA

Marmora

Peninsula of Cyzicus

Gulf of Monanea

Moudania

Gulf of CONTESSA

Taso Point

Taso

Panomi

Hierissos

Samothraki

Imbro

Gallipoli

Heraclea

Str. of DARDANELLES

Burla

LEMNOS or STALIMENE

Ruins of Alexandria Troas

Tenedo

Antandro

Adramytti

Larissa

Volo

Gulf of Volo

Zeitun

Nifsa

Salona

Lepante

Bucintro

Kyno

Talanta

Proserna

Salona

Begrip

Negropont

Skyro

Skyro Point

Skiffi

Anti Paxo

Scio

Ipsara

Kara bourou

Spalfanadi

Gulf of SANDARLI

Bergamo

Iolar

Smirdachi

Nemouri

Old Smyrna

Menimen

SMYRNA

New Castle

Vostitza

Corinth

Belvedere

MOREA

Argos

Napoli de Romania

Napoli de Malvasie

C. Malio or Sant Angelo

Cerigo

Skulleo

Thermia

Serpho

Siphanto

Nio

Kimoli

Santorin

Christiana

Nisyro

Stanchio

Nisari

Naxia

Paro

Delos I.

Mycone

Tino

Andros

Cabri

Pisopia

Kirki

C. Crio

Rhodes

Lindo

St. Nicolo

Serpent I.

St. Catharina I.

Macry or Macri

Gulf of Macri

Ruins of Ephesus

Samos I.

Nicaria

Pathmos

Lerichon

Scarpanto

Scarpanto I.

Caso I.

Candia

Isle of CANDIA

Ruins of Gortina

Sitia

C. St. Sidero

Gozzi di Candia

Longit East from London

ROMANIA
CONSTANTINOPLE
SEA of MARMORA
Gallipoli
Samothraki
Imbro
St. of DARDANELLS
Ruins of Alexandria
Troas
Tenedo
Antandro
Adramytti
MITILENE
Bergamo
Scio
SMYRNA
Gulf of SCALANOVA
Ruins of Ephesus
Samos I.
Pathmo
Macry
or MACRY
Cabmus
Nisari
Rhodes
Scarpanto I.
Caso I.
C. St. Sidero
CANDIA
Longit East from London

Reflections on the preſent ſtate of PAPER-MONEY *in Scotland.* Edin. pap. July 7.

ABout the end of the laſt century, a Bank was erected in this country, with a capital of 100,000 l. [xxiv. 128.]. In our torpid ſtate, at that time, and for many ſubſequent years, with reſpect to agriculture and manufactures, the ſaid capital was ſufficient to anſwer all our demands for money. But our union with England rouſed us out of that torpid ſtate, and raiſed a ſpirit of induſtry, which required more money than ſo ſmall a capital could furniſh. The managers of that Bank ought to have foreſeen the neceſſity of enlarging their circulation; and they would have ſerved their country, as well as themſelves, by doubling or tripling their capital. But the art of Banking was at that time utterly unknown in Scotland; and thoſe managers, unwilling to admit others to partake of their profits, jogged on in the old beaten track, till ſcarcity of currency produced the Royal Bank [xxi. 327.]. — Agriculture and manufactures ſpreading more and more, occaſioned in time a demand for money equal to what both Banks could furniſh. This ſituation made it evidently the intereſt of both Banks, in conjunction, to ſtretch their credit for anſwering the demand; which would have prevented rivalſhip, and have been equally profitable to themſelves and to their country. But ignorance of their true intereſt produced an oppoſite effect; — a miſtaken rivalſhip between them occaſioned a mutual jealouſy, and made each of them endeavour to monopolize the banking trade, by cutting out the other. This miſmanagement was equally hurtful to themſelves and to their country. They found it neceſſary, at laſt, to make peace; not from a ſenſe of their true intereſt, but from diſcovering, after a long ſtruggle, that neither of them could break the other. By agreeing to forbear making run upon each other, they were emboldened to deal more frankly and more extenſively than formerly, with great ſatisfaction to the public, and with handſome profits to themſelves: and experience taught them, that there was a demand for as much money as both of them could afford.

This happy condition of Scotland with reſpect to paper-money, animated the ſpirit of induſtry more and more: and the rapid progreſs of agriculture and manufactures increaſed, in proportion, the demand for money. The two Banks, in conjunction, ought to have taken that opportunity to increaſe their capitals, in order to ſecure the banking trade to themſelves. It was reaſonable to expect that the Old Bank in particular would not delay a moment in taking that ſtep, as their former neglect was the very thing that made way for the New Bank: but men are not always made wiſer by experience; and the Old Bank, ſo far from increaſing their capital, have not even to this day demanded the whole original ſubſcriptions. This meaſure, ſo inconſiſtent with the plaineſt principles of banking, will not readily be attributed to any thinking ſet of men; nor do I pretend to vouch it otherwiſe than that I have been told ſo by perſons who have acceſs to know. How the New Bank have behaved in that reſpect, I know not; but this all the world knows, that the two Banks in conjunction, refuſed, ſome years ago, an earneſt requeſt of the Glaſgow merchants, to erect a branch of their Banks in that town: An act of groſs miſmanagement, that has produced fatal effects to themſelves as well as to their country. *Hinc illæ lacrymæ:* for, by confining their circulation within too narrow bounds, Banks have ſprung up in every corner [xiv. 50.], ſo as even to become a public nuiſance. The diſtreſſful condition Scotland is reduced to by the multiplicity of banking companies, compoſed, ſeveral of them, of unknown perſons, whoſe credit may be juſtly ſuſpected, muſt be charged entirely to the managers of the two Edinburgh Banks. Had they known their true intereſt, no perſon would ever have dreamed of an additional Bank. [xviii. 249. 303.]

At the ſame time the variety of notes that circulate at preſent, are a violent temptation to forgery. Country-people, who are not clever at perceiving diſtinctions, ſee a mixture of print and manuſcript, with ſome flouriſhing, and they inquire no farther. I have known notes offered in payment of rent, that wanted even ſome of the neceſſary ſubſcriptions. If no notes were current but of two or three different kinds, they would ſoon become familiar like the A, B, C, and people would not be eaſily impoſed upon.

But my purpoſe is not to dwell upon private conſiderations that regard the Banks only, and thoſe who hold their

notes; I have in view a matter of more general concern, which muſt grieve every man who has the intereſt of his country at heart. Such a multiplicity of banks, inſtead of enlarging the circulation of paper-money, have the oppoſite effect. The two Edinburgh Banks, who have hitherto been chiefly relied on for money, being in conſtant dread that their notes will be picked up by agents for country-banks, and be returned upon them as faſt as iſſued, have confined their circulation within very narrow bounds. In that reſpect country-banks are in a more advantageous ſituation. Far from being ſhy at iſſuing notes, they hire agents at a great expence to ſpread their notes every where. By that means, the extenſive circulation of Glaſgow, to a trifle, is carried on by the notes of the Dumfries bank, Lawſon, Johnſton, and Company; by the ſame means, a profuſion of theſe notes, as well as of other notes, iſſued by diſtant banks, have found their way to the capital, and muſt be received in payments by ſhopkeepers, butchers, bakers, &c. who are glad to take payment at any rate. And thus they go from hand to hand in Edinburgh, while the managers of the banks from which they iſſue, ſit ſnug in a diſtant corner, without fear of their ſoon returning upon them. Let Aberdeen, Dundee, Perth, ſerve the country round them with paper-currency; why not, ſeeing banking is a lawful article of commerce? but their notes ought not to enter the capital, where they ceaſe to be bank-notes, as gold or ſilver coin cannot be procured for them. This is a grievance that requires a remedy. And the Edinburgh Banks have a remedy at hand, would they but regard their own intereſt, however otherwiſe regardleſs of their country. The remedy is, to accept of the notes mentioned in payment of caſh-accounts, or of other payments. Which would produce to them a double benefit. The firſt is, that it would keep their own notes in circulation, upon which the profit of banking entirely depends. The next is, that by drawing gold and ſilver with rapidity from diſtant banks, it would confine theſe banks within their proper circle; for when they found their notes returning quickly upon them, they would no longer find their account in hiring agents to ſpread their notes beyond that circle. Inſtead of which, the Edinburgh Banks make it a rule, moſt ignorantly, to take payment of no notes but their own. Were they diſpoſed to favour the country-banks, they could not take more effectual means to encourage the circulation of their notes.

As a lover of my country, I cannot help deploring the peſtiferous itch that has infected men to deal in banking, many of whom would be more profitably employed in the ordinary courſe of trade and manufactures. I have ſaid, that a multiplicity of banks in this narrow country, are a public nuiſance; and I have good reaſon to ſay ſo, becauſe they lock up our coin, and yet the chief of them are ſhy in ſupplying the want of it with proper currency; which viſibly checks the progreſs of every ſpecies of induſtry.

That this is not clamour merely, every one can teſtify who has occaſion for money. I appeal to two facts in particular, that prove to conviction our preſent ſcarcity of currency. The firſt concerns agriculture, which is evidently at a ſtand by want of money to make improvements. One cannot travel a day, even in the beſt parts of the low country, without ſeeing large fields bearing nothing but whins or broom. Our farmers are becoming induſtrious: the price of oats, a grain proper for new grounds, is doubled within theſe twenty years; and the demand is ſo great, that we muſt part with our gold and ſilver to purchaſe oats and other grain from our neighbours. Why then are our own grounds ſuffered to lie waſte? The anſwer given by the farmers in one voice is, that they cannot procure money for making improvements. Would the Banks but think of furniſhing money liberally for improvement of land, plenty of grain would be raiſed at home, and there would be no demand made upon them of gold and ſilver to pay for grain imported.

The other inſtance I have in view, regards money-brokers, employed by thoſe who want to lend or borrow money. This branch of buſineſs would afford very little gain, could people procure money from the Banks upon moderate ſecurity; and yet the gains made by money-brokers of late years are immenſe. This country ſuffered greatly by the rapacity of money-brokers before the two Banks were eſtabliſhed; and it is now reduced to the ſame miſer-

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able ſituation by having too many banks. What would one think of a rich money-broker lending his own money under a borrowed name, and exacting a handſome premium for his great trouble in procuring the money? It is neither my buſineſs nor inclination to be an accuſer; ſufficient it is to obſerve, that there is a violent temptation to act ſuch a part, and that the opportunity is inviting. And it might be added, that the opportunity is equally inviting, to demand payment in a year or two, in order to obtain a new premium for lending the ſame ſum a ſecond time to the ſame perſon.

Is there no remedy for the many evils above ſet forth? Thank God there is a remedy; and if the Banks, blind to their own intereſt, obſtinately refuſe to apply the remedy, others who have an intereſt have it in their power to apply it. What I have in view is, that gentlemen of eſtates, who live at a diſtance from the country-banks, ſhould bind themſelves to each other in writing, to receive no notes in payment of rent or otherwiſe, but what can be converted into ſpecie in Edinburgh. Such a concert, publiſhed in the news-papers, and intimated by the ſubſcribers to their tenants, would confine the notes of all the other banks within their proper ſphere, that of ſerving the towns where theſe banks are eſtabliſhed, and the neighbouring country. If that be effectually done, the banks who pay their notes in Edinburgh, particularly the two old Banks, will be encouraged to deal more frankly and extenſively than they do at preſent; and agriculture, manufactures, and commerce, will again flouriſh by the opportunity of procuring money upon moderate ſecurity, and without expence; which laſt has of late years advanced the intereſt of money, in many inſtances, conſiderably above 5 per cent.

The landed gentlemen of the ſhire of Roxburgh merit great praiſe for leading the way in a matter ſo beneficial to Scotland [339.]; and I would be tempted to envy them, could envy ſhow its face in oppoſition to a ſtep ſo laudable. The gentlemen of the ſhire of Selkirk have taken the hint, and entered into the like concert; and it would really be an imputation upon landed gentlemen in other counties, which lie alſo diſtant from the country-banks, to remain in a ſtate of inactivity, indolently ſuffering the two ſhires mentioned to carry away the praiſe of public ſpirit. If they need to be rouſed, let them only reflect, that manufactures, that commerce, and that improvements of their eſtates, depend on their taking that ſalutary ſtep.

To the Proprietors of the Bank of Scotland.

GENTLEMEN, *Edinburgh, July 4.*

AT a period when money is ſo ſcarce in this country; when its credit, in London, is reduced to ſo low a paſs, that a very ſmall proportion of Scotch paper can be diſcounted at the Bank of England, and a conſiderable proportion of it neither there, nor at the ſhops of private bankers; it is not only your intereſt, but a duty incumbent upon you to the public, to inquire minutely into the ſituation of your affairs, at your general meeting upon Monday next; in order to enable you to judge, whether or not they are in ſuch a condition, as to put it in your power to afford ſome relief to the country in its preſent diſtreſſed ſtate. If they are, the country requires it, and it is intitled to expect it; if they are not, it is your buſineſs, as ſpeedily as poſſible, to put them into ſuch a ſituation, as to capacitate you to be of that ſervice to your country, which an inſtitution, ſuch as yours ought to be, and which, I am perſuaded, you would all wiſh it to be of.

That your affairs have been egregiouſly miſmanaged, for ſome years paſt, is too evident to require any illuſtration. You have a ſubſcribed capital of 100,000l. 70,000l. whereof is paid up; and there is in the hands of your directors, if I am not miſinformed, from 10 to 20,000l. more of exceſſent profits; ſo that the real capital upon which you can carry on buſineſs, is about 90,000l. Notwithſtanding which, there is not at preſent, and has not been, for ſome time paſt, a ſum nearly equal to that, of your paper in the circle: A note of either of the banking companies eſtabliſhed by authority is a *rara avis in terris*, ſeldom to be met with but in the bankers ſhops in the town of Edinburgh.

If upon an inquiry into the conduct of thoſe gentlemen who for ſome time paſt have had the management of your affairs, you ſhall find, that your funds, in place of being employed in diſcounting bills, purchaſing bills of exchange, and in operations upon caſh-credits, the only ways in which they ever ought to have been occupied conſiſtently with the

true ſpirit of banking, have been ſent out upon permanent ſecurities, and ſo locked up that they could not for years again be brought into the circle; will not you join me in opinion, that either the ignorance of your directors, or their falſe notions about the principles of banking, hath permitted errors to creep into the management of your affairs, ſubverſive of every idea of banking, hurtful to the trade, manufactures, and improvements of the country, pernicious to its credit in general, and highly detrimental to your intereſt as proprietors? and will not you then judge it full time to put a ſtop to theſe operations, and to bring your affairs into a proper train of management, by ordering your directors to call in the dead loans which they have made upon permanent ſecurities, tie them up from making any ſuch loans for the future, and confine them to occupy your funds ſolely in diſcounting inland bills, purchaſing bills of exchange, and granting caſh-credits to thoſe who they think will make a right and proper uſe of them?

Permit me, Gentlemen, alſo to recommend it to you, to call for the general balances of your funds for five or ſix years back; by an inſpection of which, you will be able to form ſome judgement, whether the dividends you have been receiving have been made out of the actual profits ariſing from your funds during that period, or the excreſcent ones ſome time ago acquired, and remaining in the hands of your directors.

You will certainly admit, Gentlemen, that it is of the utmoſt importance to every man who engages a part of his funds in any branch of trade, to know the real value of his ſtock. The merchant, the manufacturer, and the farmer, are all maſter of this material circumſtance in the ſituation of their affairs. Is there then any reaſon upon earth, why the banker ſhould be kept ignorant of it? You all know what your different ſhares of ſtock will bring in the market; but I may venture to ſay, the greateſt number, if not all of you, are totally ignorant of the real and intrinſic value of it; which you are all well intitled to inquire into, and which it is your intereſt to know. If you think, however, that an inveſtigation of this kind will be attended with too much trouble at a general meeting, which I can by no means admit, take another way of doing it: Appoint ſo many of your number, with full powers to call for and inſpect the whole books of the company, and ordain them to make a full and complete report of the ſituation of your affairs to the next general meeting.

Thus, Gentlemen, I have taken the liberty of addreſſing myſelf to you, upon a ſubject wherein our intereſts are mutually concerned; and if the hints I have thrown out, can be in the ſmalleſt degree uſeful to ſuch of you whoſe inclinations and abilities lead them to ſerve their country, and advantage themſelves, my moſt ſanguine wiſhes will be completely fulfilled. If they are not, I ſhall reſt ſatisfied that I have at leaſt endeavoured to contribute my mite to do both; and, heartily deſpiſing the cenſure of thoſe, who have neither public ſpirit nor virtue ſufficient to induce them to do the one, and who are too ignorant of the buſineſs of banking to do the other, I remain, your moſt obedient ſervant,

A PROPRIETOR.

To the Rt Hon. Lord N—— R.

IN the courſe of ſeven letters, I proved, by a variety of irrefragable arguments, and upon many different grounds, that the Houſe of Commons neither is, nor ever was, a court of record. I am, in this letter, my Lord, to inquire if, and in what caſes, that Houſe has a lawful power to expel a member.

In my *fifth* letter to your Lordſhip, I thought it of the utmoſt importance, toward the elucidation of the point in queſtion, to trace the *date*, and by that infallible criterion, to aſcertain, with abſolute preciſion, the *origin* of the Houſe of Commons. Accordingly I gave your Lordſhip to underſtand, from indubitable authorities, that our two claſſes of ſenators, now called Peers and Commoners, who, for the ſpace of 950 years, had ſat indiſcriminately together in one common court, as the aldermen and common-councilmen of the city of London ſtill continue to ſit, did, by mutual agreement, and final concord, ſeparate and divide themſelves into two diſtinct houſes of Legiſlation, on the third day of November, in the year of our Lord *one thouſand four hundred*.

Now, my Lord, it is intuitively evident, the Houſe of Commons could not expel any of their members before they were

were a Houſe of Commons themſelves. This doctrine then of expulſion muſt neceſſarily be ſubſequent to the year 1400. If ſubſequent, then it had a traceable beginning, and that beginning muſt have been lawful. By *lawful*, I mean, that it muſt have been conſentaneous and coeval with the common law of the land, or it muſt have been introduced and eſtabliſhed by ſome poſitive ſpecial act of parliament.

The moſt ſanguine, the moſt violent aſſertors of this doctrine of expulſion, do not pretend to ſay it is built upon any act of parliament. We will then ſee how it ſtands ſupported by the common law.

At the common law, all eſtates in land were fee-ſimple. Every Engliſhman ſeiſed of ſuch an eſtate was ſummonable to parliament. Summonability to parliament was, at common law, one of the inſeparable incidents to an abſolute eſtate in fee. And no fee-ſimpler could be expelled, or deprived of his ſeat and voice in parliament, unleſs he had been convicted of a crime which worked the forfeiture of his eſtate in fee. The moment ſuch fee-ſimpler was out of his eſtate, though it were but for a year and a day, that moment he was *ipſo facto* out of parliament. On this broad baſis ſtood all our fee-ſimple eſtates at the common law. It therefore follows, that the Houſe of Commons cannot, conſentaneouſly with the rules of common law, expel a member for any offence whatever, unleſs ſuch offence has worked at common law the deprivation or forfeiture of the eſtate itſelf. If this were not the caſe, as it really is, I ſhould be glad to know by what miracle it came to paſs, that, from the year 1400 to the year 1580, the Houſe of Commons never preſumed to expel any one member whatever. Are we to conclude, my Lord, that during the whole reigns of Henry IV. V. VI. Edward IV. V. Richard III. Henry VII. VIII. Edward VI. and Mary I. the Houſe of Commons was filled with ſuch a continued ſucceſſion of virtuous, uncorrupt, unimpeachable ſenators, that not even one ſingle man could be found amongſt them deſerving expulſion? No, my Lord; ſome few of the Commoners were, at different times, during the ten reigns above mentioned, full as factious, full as ſeditious, and full as irreligious, as they can poſſibly be ſuppoſed to have been in any other ſubſequent reign. But, my Lord, thoſe repreſentatives of the people lived in, or very near, thoſe days when it was an indiſpenſable cuſtom to compel every new king, at his acceſſion to the throne, to repromulgate our ſacred Magna Charta, by a ſpecial confirmation in full parliament. A king thus early taught to reverence the true principles of the conſtitution, paid the ſame attention to the preſervation of the people's rights, as to his own prerogatives. For, by that charter, it is expreſsly enacted, that if, upon petition to the throne, complaining of any violation, infringement, or even a diminution of any one of their chartered rights, the King do not redreſs the grievance within forty days, that then, and in ſuch caſe, the ſubjects ſhall withdraw their allegiance from the King, and ſwear obedience to a committee of twenty-five Engliſh Barons, till ſuch time only as the grievance ſhall remain unredreſſed. This charter, my Lord, is the indiſputable birthright of every Engliſhman; and cannot but indicate to your Lordſhip, that an Engliſh ſubject may conſtitutionally go one ſtep beyond a fruitleſs petition, or an unregarded, unavailing remonſtrance. [iv. 547.]

The expulſion of a member of parliament, for an offence which does not work the forfeiture of eſtate, is clearly an infringement of the ſubject's right. It is, in a ſingular manner, your duty, my Lord, to ſee that wrong redreſſed within its due and limited time. I grant, indeed, the journals of the Commons-Houſe furniſh us with ſeveral examples of expulſion. But moſt of thoſe expulſions are for offences which work a forfeiture of eſtate either by the *common* or *ſtatute* law; and therefore they are legal, and may be juſtly cited as precedents *de jure*. But where you expel a member for an offence that does not work forfeiture of eſtate, if you produced fifty precedents in your journals, they are only precedents *de facto*, and can neither authoriſe nor legaliſe the expulſion.

Beſides, my Lord, as all the members of the Commons-Houſe are co-ordinate and co-equal, what coercive power can they have one over the other? It is an eſtabliſhed maxim, be the government of what form ſoever, That *par in parem non habet imperium*.

From theſe new lights which I have thrown upon this ſubject, you will ſee, my Lord, the doctrine of expulſion is

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but of a novel date. The firſt precedent of expulſion was for an offence not working forfeiture of eſtate, in the year 1580, when Arthur Hall, Eſq; was expelled for contempt of the Houſe, and other nonexpellable miſdemeanors. And yet, my Lord, this is the precedent on which all our other inſtances of expulſion, for expellable, as well as for non-expellable offences, are indiſcriminately grounded. But Mr Hall's offence, you will be pleaſed to obſerve, my Lord, was a *miſdemeanor*; by the law of parliament, he certainly was not expellable for that kind of offence. For, touching the execution of judgement in miſdemeanors (ſaith Selden) the *greateſt* puniſhment hath been *impriſonment*; I find no other (ſaith he) in *ancient* parliaments. Mr Hall then was not expelled by the *law* of parliament. And it is impoſſible he ſhould have been expelled by the *uſage* of parliament; for he was the *firſt* member ever expelled the Houſe of Commons. *Uſage* implies a variety of inſtances of expulſion *eodem genere*, at different periods of time: but an uſage, to operate as a precedent, muſt, at its beginning, have been *lawful*; for continuance of time cannot make it legal, if it were originally not ſo. Now, my Lord, the offence for which Mr Wilkes was *firſt* expelled, was that ſpecies of offence which our laws denominate a miſdemeanor; conſequently he could not be expelled by the *law and uſage* of parliament: *not by the law*; for there neither is, nor ever was, any ſuch law in being: *not by the uſage*, for the very *firſt* precedent of expulſion was unlawful; conſequently every ſucceeding inſtance of expulſion, *in hoc genere*, muſt be deemed invalid, unwarrantable, and unconſtitutional. I therefore hope your Lordſhip is now thoroughly convinced of the rectitude and neceſſity of concluding with me, that no member of the Houſe of Commons can be rightfully expelled but for an offence, which, either by the common or the ſtatute law, works a deprivation or a forfeiture of eſtate.

June 1770. BRECKNOCK.

SIR, *June* 1770.

THE peruſal of the pamphlet on the cauſe of the preſent diſcontents, now univerſally aſcribed to Mr Burke, and the anſwer returned by Lord Chatham to the compliments of the Livery of London [350.], has, even to their admirers, rendered the real deſign of theſe gentlemen at leaſt problematical.

We that live at a diſtance from the metropolis, and glean all our political knowledge from news-papers, had conceived great hopes, that ſome material reformation in government was intended; ſuch changes introduced, as would have a tendency, at leaſt, to remove the evils they have been ſo long, and ſo loudly, clamouring againſt.

Theſe leaders pretend to be very ſanguine for an independent parliament, and a more equal repreſentation in the Houſe of Commons; but inſtead of propoſing any ſcheme adequate to the purpoſe, they publicly declare in favour of a ſeptennial parliament, and paint the hardſhip and dangers of a place and penſion bill, in ſuch colours as a penſioner alone could imagine.

The generality of people in England have hitherto entertained very different notions of theſe two important articles; and thought, that nothing could ſo effectually operate towards eſtabliſhing that independency ſo neceſſary for the ſupport of liberty, as reducing the duration of parliaments to a ſhorter term, and excluding ſuch a number of gentlemen in office, as from their connection with the miniſtry might be ſuppoſed under their influence. Without ſomething of this ſort, all reſtrictions laid upon the electors will be of no uſe: for whether they ſend up A B, or C D, is immaterial; ſince venality is become ſo univerſal, that either of them may be warped from their duty by the allurements of money, power, or titles. But it is feared that the truth of the matter is, that miniſters, and would-be miniſters, are too much alike, and the preſent Outs are willing to indulge the preſent Ins with the now convenient mode of carrying on buſineſs, in hopes of enjoying the ſame advantages themſelves.

If a more equal repreſentation be really any part of their plan, and they can prevail to annihilate the rotten boroughs, and permit the freeholders, and even copyholders of a certain value, to chuſe members for a county at large, the following remarks are ſubmitted to their conſideration.

The land-tax, at 3s. in the pound, raiſes 1,528,368l.; of which 1,492,403l. is levied upon England and Wales, and 35,965l. upon Scotland. [iii. 221. 424.]

The Houſe of Commons conſiſts of

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558 members, fent from every county as marked in the firft column; and if regulated in proportion to the fum paid by each, their refpective numbers would be as expreffed in the fecond.

	1ft	2d		1ft	2d
Bedfordfhire	4	7	Monmouth	3	3
Berkfhire	9	10	Norfolk	12	22
Buckingham.	14	12	Northampton.	9	12
Cambridgefh.	6	8	Northumberl.	8	5
Cheffhire	4	7	Nottinghamfh.	8	7
Cornwall	44	12	Oxfordfhire	9	10
Cumberland	6	1	Rutlandfhire	2	2
Derbyfhire	4	6	Shropfhire	12	7
Devonfhire	26	22	Somerfetfhire	18	20
Dorfetfhire	20	18	Southampton.	26	16
Durham	4	3	Staffordfhire	10	7
Effex	8	25	Suffolk	16	20
Glocefterfhire	8	12	Surry	14	17
Herefordfhire	8	6	Suffex	28	18
Hertfordfhire	6	11	Warwickfhire	6	12
Huntingdonfh.	4	5	Wales	24	6
Kent	18	22	Weftmoreland	4	1
Lancafhire	14	6	Wiltfhire	34	14
Leicefterfhire	4	10	Worcefterfhire	9	9
Lincolnfhire	12	19	Yorkfhire	30	25
Middlefex	8	90	Scotland	45	13

If a plan of this kind could be adopted, and the poll taken at feveral of the principal towns in each county on the fame day, it would prevent a too great concourfe of people in one place, which often produces riots and diforder, and bring the bufinefs nearer home to each voter. I am, &c. D. D.

A fhort, but full and plain account of the Lord's Supper.

The inftitution explained.

1. CHRIST, at the end of the Paſchal Supper, took bread, gave thanks [to God over it], brake it in pieces, and gave a piece to each of his difciples, and faid, [in order to make his meaning known, theſe words], "Take, eat; this is my body;" that is, the ſign or memorial of my body, which will ſoon be broken for your benefit. "This do [after my death] in remembrance of me."

And he took the cup, and gave thanks [to God over it], and gave it to his difciples, ſaying, "Drink ye all of it [of the wine in it], in remembrance of my blood, which will ſoon be ſhed for your good. This do, as often as ye drink of it [for this religious purpoſe], in remembrance of me," that is, of my death, till I come again in glory.

From the inſtitution St Paul draws this obſervation: "For as often as ye eat this bread, and drink this cup, ye do ſhew the Lord's death till he come."

2. The end of the Lord's Supper is only one; namely, a religious remembrance of his death; which was a teſtimony to the truth of his doctrine, that he was the Meſſiah; and at the ſame time ſhowed an example of perfect ſincerity, obedience to the will of God, and benevolence to mankind.

3. The words in which we thank God over the elements, do not convey any thing to the elements, nor the elements to the receiver *; and as we now know our Saviour's meaning, there is no abſolute neceſſity for ſaying any words; but only for doing one thing, that another may be ſignified and remembered.

4. The Apoſtle infers from a religious communion, or joint partaking of one bread in honour of Chriſt, that we Chriſtians do in effect declare ourſelves to be one body, or ſociety, diſtinct from the reſt of the world, and united in love and charity, for the carrying on the good of the whole: "For we being many, are one bread, or loaf, and one body; for we are partakers of that one bread."

5. This religious remembrance may be uſefully extended to the new covenant as confirmed, or proved, by Chriſt's blood, or death; and will lead all conſiderate perſons that accuſtom themſelves to it, to qualify themſelves by a right conduct for eternal happineſs.

6. The partaking of the Lord's Supper is a poſitive duty, for it depends entirely on the revealed will of Chriſt; and is not a moral duty, diſcoverable by reaſon from the fitneſs of things. However, Chriſt did not appoint this ordinance without reaſon, though without his appointment no reaſon appeared to oblige us to obſerve it.

As this is a poſitive duty, it is only a mean to an end: it is intended to lead us to the practice of virtue, without which it can be of no manner of uſe.

7. St Paul tells the Corinthians, who behaved intemperately at the Lord's Supper, that he that performs this duty unworthily, or unſuitably to its end, *is guilty of the body and blood of Chriſt*; is guilty of abuſing the memorials of them, and therefore liable to puniſhment.

8. In order to prevent ſuch abuſe for

* See Hales of Eton, Hoadly, and Locke.

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the future, this is the Apoſtle's advice: Let a man examine himſelf; try and approve himſelf to his own conſcience, ſo as to aſſure himſelf that he comes to the Lord's Supper with a diſpoſition ſuitable to it, [a diſpoſition to remember Chriſt and his death religiouſly], and behave at it ſo [in ſuch a manner] as is ſuitable to its end; that is, religiouſly remember Chriſt and his death. A ſincere Chriſtian needs no length of time to do this; and is equally obliged to live a good life, whether he receives the Lord's Supper, or not.

9. He that receives the Lord's Supper unſuitably to the end for which it was appointed, eateth and drinketh damnation, that is, judgement, or temporal puniſhment, to himſelf, *not diſcerning the Lord's body*; that is, not making a ſufficient difference between the bread, which is the memorial of his body, and a common meal, even intemperately taken. *For which cauſe* many of the Corinthians were, by the providence of God, puniſhed with weakneſs, ſickneſs, and temporal death. And theſe worldly puniſhments, whether ordinary or miraculous, were intended for their good, to amend them here, that they might not be condemned hereafter.

10. As to *ſupernatural graces*, neither ſcripture nor reaſon give us the leaſt room to believe that any belong to this duty; and it is great ſuperſtition to uſe this holy rite as a charm to infuſe virtue, ſince it was intended only as a memento of a bleſſing received, and of our duty.

11. This holy rite is called the *Lord's Supper*, becauſe it was inſtituted at the end of the Paſchal Supper, which was commemorative of the ſacrifice of the Lamb, and was the laſt ſupper Chriſt eat with his diſciples before his death.

12. The ill behaviour of the Corinthians at the very partaking of the Lord's Supper, was probably occaſioned by a preceding entertainment, called a *Love-Feaſt*, at which by indulging their appetites too much, they rendered themſelves unfit to partake immediately afterwards of the Lord's Supper in a worthy manner: for which reaſon the Apoſtle perſuades them to lay by their love-feaſt at their religious aſſemblies; to eat and drink for the common purpoſes of life at their own houſes, and not make the Lord's Supper a part of a common meal.

13. The Lord's Supper is not a *ſacrifice*; but a memorial of Chriſt's death, which is figuratively called a ſacrifice, becauſe it anſwered all the rational purpoſes of the Jewiſh ſacrifices. Neither is it a *ſeal*, i. e. part of the Chriſtian covenant; for it is only the blood, or death, of Chriſt, that is called the *ſeal* of the covenant, and that too in a figurative ſenſe, becauſe his death was the ſtrongeſt proof he could give of his love to mankind. *Gent. Mag.*

An extract from Campbell's Lives of the Admirals, vol. i. p. 251.

In illuſtration of a fact related by Mr Beatty. [xxxi. 426. xxx. 287. xvii. 91.]

—— It is affirmed, that America was diſcovered, by the Welch, about the year 1170. The ſtory is thus told: That, on the death of Owen Guyneth, diſſenſions aroſe among his ſons. One of them, whoſe name was *Madock*, reſolved to truſt the ſafety of himſelf, and ſuch as were with him, rather to the mercy of the ſeas, than to the uncertain iſſue of a civil war; and therefore imbarking, with his followers, on board a few ſhips well victualled, he put to ſea, in ſearch of new countries. Accordingly, he ſailed due weſt, till ſuch time as he left Ireland to the north, and then continued his voyage till he came to a large, fruitful, and pleaſant country. After ſome time ſpent therein, he returned home, and reported the happy effects of his voyage, and the large poſſeſſions which every man might acquire who would go with him. He, at length, prevailed with as many of both ſexes as filled ten ſhips; and with theſe he returned to his new plantation. But neither he nor his people were heard of more. —— It muſt be confeſſed, that there is nothing here which abſolutely fixes this diſcovery to America, though it muſt likewiſe be owned, that the courſe before ſet down, might very poſſibly carry him thither. The great point is, to know how far the fact may be depended upon: and, in relation to this, I will venture to aſſure the reader, that there are authentic records, in the Britiſh tongue, as to this expedition of Madock's, where-ever he went, prior to the diſcovery of America by Columbus: and that many probable arguments may be offered in ſupport of this notion, that theſe Britons were the diſcoverers of that new world, is alſo true; though, at preſent, we have not opportunity to inſiſt upon them.

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DEBATES of a POLITICAL CLUB, continued. [312.]

TO the ſpeech of Mutius Scævola, in defence of the conduct of adminiſtration with regard to Ireland, Caius Collatinus made the following reply.

" Mr Preſident, Sir,

THE Noble Lord who has ſo elaborately defended the proceedings of adminiſtration, having laid great ſtreſs upon Poyning's law, and told us that it is the chief ſecurity of our ſuperiority over Ireland, it will not be improper to reconſider the original motion at preſent before the chair, and to take a review, not only of the famous law in queſtion, but of the various ſtatutes to which it has given birth.

Though it is univerſally conceived at preſent, Sir, that Poyning's law was ſolely intended to be a check upon the Iriſh parliament, it is nevertheleſs certain, that all the hiſtorians who have entered deeply into the policy of Henry VII.'s reign, concur in opinion, that it was principally deſigned to be a curb upon the chief governors. The act itſelf expreſsly directs, that the bills to be paſſed in Ireland ſhould be certified *over*, under the great ſeal of that kingdom, previous to their commencement. The inconveniencies however ariſing from that regulation, led Philip and Mary to give the Iriſh privy council a power of tranſmitting bills during the ſitting of parliament. But it is remarkable, that no law whatever makes the leaſt mention of money-bills, or once even ſuppoſes their originating in the council; on the contrary, the public money was underſtood to flow only from the repreſentatives of the people; and a very natural concluſion it was, that thoſe who ſubmitted to the taxation of their property, were the propereſt perſons to order the mode of its being taxed. Poyning's law was beſides twice ſuſpended, once in the reign of Henry VIII. and once in his daughter Eliſabeth's; ſo that even in thoſe early periods, while Ireland was unſettled, and while the religious diſputes of England made the very throne of this kingdom inſecure, government by no means thought the act of Sir Edward Poyning was the paladium of their authority over the ſiſter-nation. Why government ſhould be of that opinion, when Ireland is cloſely riveted to us by every tie of intereſt and inclination, I cannot ſee in the leaſt; unleſs our miniſters are conſcious, that they have either done, or mean to do, ſomething, which muſt neceſſarily forfeit the affections of that country.

It is urged by the friends of adminiſtration, that the Iriſh privy council have a right of originating money-bills: I ſhould be glad however to know, at what period, ſince the commencement of Poyning's law, they once exerciſed that right. It is ſurely very extraordinary, that if they poſſeſſed a right of ſuch a nature, that this ſhould be the firſt in which they attempted to exerciſe it; and it is ſurely to the full as extraordinary, that they would ſuffer the originating power ever ſince the tenth year of Henry VII. to remain with the Commons, if the Commons were not the people legally intitled to it. The truth is, the privy council has the privilege of certifying parliamentary bills from Ireland to this kingdom; but the privilege of *certifying* by no means includes the juſt authority of *originating*. Yet even admitting, in oppoſition to the firſt tonnage and poundage in the 17th of Henry VII. the preamble of which particularly ſets it forth as the grant of the Commons, that the privy council had an equal right to originate; ſtill the Commons were juſtified in exerting their negative, and in no manner violated the ſpirit of Poyning's law, in refuſing the bill, becauſe it did not firſt proceed from themſelves. —— The language of their conduct is ſimply this: " Here are two modes of raiſing money propoſed, which is the beſt? —by privy council, or parliament? Both cannot be practiſed at the ſame time; we will therefore purſue the moſt eligible, and adopt the parliamentary, as the leaſt inconſiſtent with the principles of a free conſtitution." The Commons accordingly adopted that mode, and government took the money. Yet government is diſſatisfied. —Why? Why becauſe the Iriſh houſe of Commons were too ſtrenuous for the ſubject, and made their loyalty to the ſovereign walk hand in hand with the ſecurity of the kingdom. Had the Commons indeed rejected the council money-bill, " becauſe it was their own *excluſive* right to originate," there would have been an oppoſition, though in my opinion a reaſonable one, to the privy council; but at preſent the proceedings of the latter are no more

impugned, than the prorogation of the former is supported by the precedent so repeatedly urged, of Lord Sydney in the year 1602.

I shall not at this time animadvert, Mr President, on the violation of parliamentary privilege by the chief governor, but confine myself to his secretary's declaration, that the privy council money-bill was a fine for the renewal of parliament. This, Sir, is speaking out with a witness;—this is throwing off the mask at once, and confidently telling the subject, that he shall not possess his absolute right, unless he pays the minister for indulging him with it. Sir, this is oppression, this is despotism in the extreme; and as this assembly has a coercive authority over British ministers in every part of the British dominions, I trust we shall give the people of Ireland that redress which their own parliament cannot grant, and that our interest will even lead us into those measures which are evidently dictated by our justice."

Here the debate terminated upon Irish affairs; but the motion was rejected by 149 against 66.

It is now necessary to relate the proceedings of the upper club-room on the famous bill of Victor Americanus, for reverting the various parliamentary adjudications relative to the Middlesex election. This bill having been read, it was supported by some, and objected to by others: the principal speakers however, were Victor Americanus, Horatius Tullus (L. M——d), and Sulpicius Strabo (L. C——n). The first, in answer to the arguments of a tremulous objector, thus defended his bill. [246.]

"Most Illustrious L—ds,

The Noble Lord who last favoured us with his sentiments, has been very violent against the present motion; he seems even to be angry with the advocates for the bill; but his anger is of a species, that must rather excite our smiles, than provoke our resentment; I shall therefore take no notice of the reflections which he has thrown out upon the faction, as he politely styles the minority, but proceed at once to recapitulate the cause of this unlucky measure, which is so unfortunate as to be the object of his indignation.

The great basis of public freedom in this country, Most Illustrious L—ds, is the constitutional right which the subject enjoys, of electing his representative into parliament. This right has been recently and notoriously violated by the members of the lower club; who, though themselves delegated, presume to appoint their own members; and claim the exercise of a power, even superior to that of the very people from whom alone they derive all their authority.—The county of Middlesex, Most Illustrious L—ds, lately chose a gentleman, no way incapacitated by the law of the land, to be their representative. The number of voices which polled for this gentleman were 1143; against him appears a court-candidate with 296 votes: yet, notwithstanding the great majority in favour of the former, the lower club-room, not only refuse to admit him, but actually appoint his opponent to the vacant seat, in defiance of all law, in defiance of all shame, in defiance of all the execrations of their indignant countrymen. If a procedure of this nature is tolerated, what becomes of every franchise which we hold sacred as Englishmen? This is laying the axe at once to the root of our constitution; and arguing in extenuation of it, is only adding insult to injury, and desiring us to kiss the hand of the assassin, while he mercilessly plunges a dagger in our hearts.

It is true, the lower club-room had a right, if petitioned by their self-appointed member, to examine carefully into the legality of the 1143 votes given for his competitor; but if the votes were legal, they had no right to set him aside. The same law that constitutes the lower club-room, gives the freeholders their discretional power of chusing whom they please; and it is to this very power, that the men thus trampling on the constitution, are indebted for their own political existence. But when no petition is lodged, when no illegality in the 1143 voices is even so much as pretended, the outrage becomes aggravated in proportion to its audacity, and shews us that we are not to be allowed the mere shadow of a constitution.

It has been insisted, that there is no precedent for this assembly's taking notice of the proceedings in the lower club-room: yet I am pretty positive, that in the case of Titus Oates, there is one perfectly in point, where the lower room took cognizance of our proceeding. However, the justice of the measure is superior to the force of precedents; and indeed if the three branches

of

of the legislature were not intended as checks upon each other, we might as well be governed by one despotic head, and as well be slaves to one arbitrary master.

It is however said, Most Illustrious L—ds, that a spirit of discontent has gone abroad, and that consequently the present bill is inexpedient. Now, for my own particular part, I consider this objection as a fresh argument in support of the expediency. If the nation is discontented, it is our duty to remove, as far as possible, this discontent. But our humane ministers, while they scatter oppression round their country, will not even allow the injured a right of complaining.——Their majority in the lower club-room is a political inquisition, with which they terrify every orthodox professor of liberty; so that one cannot help exclaiming with Shakespeare, "*Fie on* their room:

Fie on it! Oh fie!
'Tis an unweeded garden, things
Rank and gross in nature possess it merely."

I am apprehensive, I am too apprehensive, that this mode of proceeding springs near the palace; but I hope it will be speedily seen there in all its genuine deformity. For myself, though I shall never abet the clamours of faction, I will ever stand forth an advocate for the just rights of the people; and while I am able to crawl upon the surface of this globe, I will pledge myself to their cause, conscious that it must be the cause of liberty and virtue."

To this speech Horatius Tullius replied.

"Most Illustrious L—ds,

THOUGH the present debate has been already treated with great clearness and elocution, I can by no means be satisfied with giving merely a vote:—I feel myself impelled to do more; and, notwithstanding the lateness of the hour, I must request your permission to give my opinion on a bill for reversing the adjudications on the Middlesex election. The part I have *previously* acted shall be always concealed: I have indeed communicated the secret to one of the royal family, but secure in that confidence, it shall never be disclosed to another.

It has been proclaimed universally by the friends of the bill now under our consideration, that the lower club-room acted contrary to the principles of law, in accepting a candidate with a minority of votes, in preference to a person legally qualified. This, however, is an error of the grossest nature, which nothing but the phrenzy of the times could possibly credit. As the candidate with the majority of votes was previously considered by the laws to be unqualified; of consequence, the candidate accepted by the club-room was very properly accepted; and of consequence he had a very great majority of votes, as his competitor, by being a non-entity in the eye of the law, was incapable of giving him any lawful opposition. Many of you, Most Illustrious L—ds, must have read, if you have not even known of several members being expelled the lower club-room, without this assembly's ever thinking to interfere with the business of their expulsion. I remember several myself, who, though certain of being re-elected, if they had offered themselves to their former constituents, yet were so satisfied with the self-sufficient authority by which they were expelled, that they never once presumed to become candidates, but considered the sentence of expulsion as an actual sentence of incapacitation.

To prove the authority of the lower room in this respect, let us only turn our eyes to contested elections. When a parliamentary candidate, for instance, supposes himself injuriously treated, to what tribunal does he fly for redress? Is it to the freemen of the borough or the freeholders of the county he would represent? No; he flies to the lower club-room, as the only judges of election; as the only jurisdiction which can pronounce upon the qualification of members, and determine finally upon the merits of his cause.—The only business of the constituent is, to vote for his particular man; the power of deciding upon the legality of that vote rests in the lower club-room: if the vote is given for a proper person, it is naturally confirmed; if otherwise, it becomes as naturally invalid, however a majority of freeholders may squander away their suffrage in contending for the *right* of doing *wrong* with the representative branch of legislation. This I fancy is no new doctrine; it is not giving an additional *jot* to the privileges of the lower room; or extending the powers which it derives from the constitution.—Yet, notwithstanding the direct application of the case, we are clamorously told, that the

laws have been violated, that the right of election has been infringed, and that a murder has been perpetrated on the liberties of England.

A mighty ſtreſs has been laid by the popular catcalls upon the re-election of Sir Robert Walpole. But when we conſider the caſe of that celebrated miniſter, unfortunately for them, it by no means applies to the middleſex election.—Sir Robert was indeed expelled, and afterwards rechoſen: his re-election, however, did not take place till the meeting of the *next* parliament; and during that period we find no debate about the illegality of his expulſion, no motions in this aſſembly about imaginary oppreſſions, nor any addreſſes from the people without doors for a conſequent diſſolution of the parliament.

Notwithſtanding what the Noble Lord who ſpoke laſt, has been pleaſed to urge with regard to a precedent of one room's interfering with the privileges of the other, I do not recollect a ſingle inſtance. —The caſe of Titus Oates he has very much miſtaken in the manner. His was a trial in the king's-bench, which on a writ of error the lower room took cognizance of; and they were juſtified in that cogniſance. Judges may be deceived in points of law: —the beſt, the moſt ſenſible are ſometimes deceived; and ſo far from ſuffering diſhonour, they actually acquire eminence by the rectification of their miſtakes.—But one houſe of parliament's reverſing the reſolutions of the other, is a ſoleciſm in politics, which no age but the preſent ever produced. This, however, is the æra of political miracles; contradiction now-a-days becomes conſiſtency; the lovers of their country ſacrifice their freedom to gratify their reſentments; and violate the eſſence of all law, under a ſpecious pretext of ſupporting the conſtitution.

For one moment, Moſt Illuſtrious Lords, let us ſeriouſly conſider the conſequences of aſſenting to the preſent bill; let us ſuppoſe it paſſed unanimouſly in this aſſembly.—What is likely to be the conſequence? The people are already ſufficiently inflamed; to encourage them, therefore, by a junction with the ſuperior branch of the legiſlature, is to render them deſperate indeed; and I ſhudder when I even imagine the ſcene of anarchy it muſt inevitably open on the kingdom. Livy, the Roman hiſtorian, tells us, that the people of Rome once believing their ſenate had acted againſt the principles of the conſtitution, concerted a deſign of delivering them into the hands of the enemy; but one of their leaders obſerving, *that by this meaſure they might probably change for worſe maſters*, the ſcheme was laid aſide. The application of the anecdote is obvious: if our circumſtances are at preſent bad, it is, nevertheleſs, eaſy to plunge us into a much more deſperate ſituation."

An account of the trial of Henry Sampſon Woodfall, the original [331.] *printer of Junius's letter, in the Public Advertiſer of Dec.* 19. 1769. [xxxii. 633.]

ON the 13th of June, at half an hour paſt nine, this trial came on, in the court of king's bench, Guildhall, before Lord Mansfield, and a ſpecial jury. Only ſeven of the ſpecial jury attended, viz. William Bond, foreman, Peter Cazalet, Alexander Peter Allan, Frederick Commerell, Hermen Meyer, John Thomas, and Barrington Buggin. Upon which the following five talesmen were taken out of the box, viz. William Hannard, Paul Verges, William Sibley, William Willett, and William Davies.

The letter being read, the Attorney-General opened the trial with a long declamation; great part of which he dedicated to the praiſing of commerce, and expreſſing his happineſs at having a trial before a ſpecial jury of merchants of London. After he had paid the jury many compliments, he informed them, that the letter in queſtion was totally and univerſally abhorred; he declared he was utterly unknown to the perſons under proſecution; that he had no perſonal malice to any of them; that he had filed the information officially; that he thought it the indiſpenſable duty of his office, and therefore had ordered the papers which contained the letter, to be bought and ſent to him as ſoon as it appeared; that he had ſelected a number of perſons to file informations againſt, as he would not proſecute any who might have large families, but little property, or who might be ruined by the proſecution, or incapable of going to the expence of defending it. He then attempted to account for his not bringing on the original publiſher's trial firſt, giving it as his opinion, that the man who printed a libel on the Tueſday, or any enſuing day, was equally criminal with

with the perſon who might originally have printed it on the Monday; and informed the jury, that he had witneſſes ready to prove the buying the paper, and fix the fact of publication; and did not doubt, therefore, that they would bring in the defendant guilty. He never went upon the ſubject-matter of the letter, or gave any manner of reaſon for his ſtyling it in the information, *a falſe, ſcandalous*, and *ſeditious libel*.

The evidences were then called; who were,

Nathaniel Crowder, the pretended newſman, employed by the miniſtry; who ſwore, he bought the paper of Mr Woodfall's publiſhing ſervant, whom he named;

Mr Harris, of the ſtamp-office; who proved, that the duty for the advertiſements and ſtamps were paid by Mr Woodfall; and

A clerk of Sir John Fielding's; who proved, by a receipt from Mr Woodfall, his concern in, and for the paper.

The publication and direction of the paper by Mr Woodfall being thus proved,

Mr Serj. Glynn roſe up, and declared, He agreed with Mr Attorney-General as to the excellence of a London jury, and doubted not the liberties of the people were ſufficiently ſafe while there were trials by jury. He told the jury, That, if they were of opinion, that the ſenſe put upon Junius's letter in the information, was the true ſenſe; if they thought it was a falſe, ſcandalous, and ſeditious *libel*; if his client publiſhed it with a profeſſed *intention*, a premeditated deſign, of abuſing and aſperſing the King; if the defendant meant or wiſhed to alienate the affections of his Majeſty's ſubjects; if it appeared to them that his end in printing it was to ſtir up rebellion; as honeſt men they ought, and undoubtedly would bring in his client *guilty*: — but if, on the contrary, the temper of the times was ſuch, that the people needed that kind of information contained in the letter; if the facts could be proved; if the acts of government, in which the King, as a part of government, was neceſſarily and virtuouſly concerned, highly demanded public repreheſſion, and the printer publiſhed it with the truly laudable motive of informing his fellow-ſubjects; if, ſo far from containing any perſonal abuſe of the King, it was wrote with an honeſt but guarded freedom; the author and publiſher would, by all worthy, all ſenſible men, be conſidered as having acted the parts of good ſubjects, and good citizens. He informed the jury, That the counſel for the crown had not gone upon the ſubject-matter of the letter; they did not even attempt to prove it a libel, notwithſtanding the epithets beſtowed upon it in the information; and that the paper in which it was firſt printed, was not by any means ſet apart ſolely to canvaſs for party or faction, but was equally open to all. He admitted, that private perſonal abuſe was wrong; but the public acts of government often demanded public ſcrutiny; that many, very many, of the higheſt rank, as well as from the higheſt to the loweſt in the oppoſition, had been ſcandalouſly traduced and vilified in the public papers with impunity; that if the defendant was brought in guilty, the hands of every publiſher would be tied behind him, and the gentlemen not in office might, by the miniſterial ſcribblers, be abuſed to the groſſeſt degree, as it would be dangerous to anſwer them, if, upon the appearance of every free anſwer, informations were to be filed, and the printers convicted and puniſhed. The liberty of the preſs was immediately concerned; the ſtroke was levelled at it in this proſecution; but he did not doubt the jury would maturely, deliberately, and attentively conſider the matter, read over the letter with care and circumſpection, and if they found it was not written with intent to vilify the perſon of the King, but freely to canvaſs the acts of government, they would conſider the publiſher as having done his fellow-ſubjects eſſential ſervice, and acquit him.

Mr Serj. Leigh, the other counſel for the defendant, then got up; and began with obſerving, that after the very learned and able ſpeech made by his brother Glynn, little remained for him to ſay; but he particularly urged the jury to conſider the intention of the printer in publiſhing it, and to remember how peculiarly neceſſary it was, as this juncture, that the preſs ſhould be open to all political diſcuſſion. He defended the paper on the ſame principles as Mr Glynn, and made a very eloquent and judicious harangue, concluding with declaring, that as no intention could be proved, they ought not to find his client guilty.

Lord Mansfield, in his charge, told the

the jury, That there were only two points for their conſideration; the firſt, the printing and publiſhing the paper in queſtion; the ſecond, the ſenſe and meaning of it: That as to the charges of its being *malicious*, *ſeditious*, &c. they were inferences in law, about which no evidence need be given, any more than that part of an indictment need be proved by evidence, which charges a man with being moved by *the inſtigation of the devil*: That therefore the printing and ſenſe of the paper were alone what the jury had to conſider of; and that if the paper ſhould really contain no breach of the law, that was a matter which might afterwards be moved in arreſt of judgement: That he had no evidence to ſum up to them, as the defendant's counſel admitted the printing and publication to be well proved: That as to the ſenſe, they had not called in doubt the manner in which the daſhes in the paper were filled up in the record, by giving any other ſenſe to the paſſages; if they had, the jury would have been to conſider which application was the true one; that charged in the information, or that ſuggeſted by the defendant: That the jury might now compare the paper with the information; that if they did not find the application wrong, they muſt find the defendant guilty; and if they did find it wrong, they muſt acquit him: That this was not the time for alleviation or aggravation, that being for future conſideration: That every ſubject was under the controul of the law, and had a right to expect from it protection for his perſon, his property, and his good name: That if any man offended the laws, he was amenable to them, and was not to be cenſured or puniſhed but in a legal courſe: That any perſon libelled had a right either to bring a civil or a criminal proſecution: That in the latter, which is by information or indictment, it is immaterial whether the publication be falſe or true; that it is no defence to ſay, it is true; becauſe it is a breach of the peace, and therefore criminal: but in a civil proſecution, it is a defence to ſay, the charges in the publication are true; becauſe the plaintiff there ſues only for a pecuniary ſatisfaction to himſelf; and that this is the diſtinction as to that nature of defence.—His Lordſhip ſaid, he was afraid it was too true that few characters in the kingdom eſcaped libels; that many were very injuriouſly treated; and if ſo, that the beſt way to prevent it, was by an application to the law, which is open to every man: That the liberty of the preſs conſiſted in every man having the power to publiſh his ſentiments without firſt applying for a licence to any one; but if any man publiſhed what was againſt law, he did it at his peril, and was anſwerable for it, in the ſame manner as he who ſuffers his hand to commit an aſſault, or his tongue to utter blaſphemy.

A few minutes before twelve at noon, the jury withdrew, to conſider of their verdict; at four the court was adjourned; and about nine the jury waited on Lord Mansfield at his houſe in Bloomſbury-ſquare, with their verdict, which was, *Guilty* of PRINTING and PUBLISHING ONLY.

The counſel were, for the crown, Mr Attorney-General, Mr Wallis, and Mr Moreton; and for the defendant, Meſſ. Serj. Glynn and Leigh.

Mr Wilkes was in court, and ſat almoſt cloſe by Lord Mansfield; as were likewiſe Mr Bellas, the Rev. Mr Horne, and Mr Skey.

On the 3d of July, between twelve and one, came on to be argued in the court of king's-bench, Weſtminſter-hall, before Lord Chief Juſtice Mansfield, Judge Aſton, Juſtice Willes, and Juſtice Aſhurſt, two rules in this cauſe; one obtained by the counſel for the crown, to ſhew cauſe, *Why the verdict ſhould not be entered up according to the legal import of the words** ; the other obtained by the counſel for the defendant, to ſhew cauſe, *Why the defendant ſhould not be diſcharged from any judgement on this verdict?* —— The following is a report of the ſpeeches of the counſel, together with what dropt from the judges, taken from the notes of ſome gentlemen of the profeſſion.

Mr Serj. Glynn, of counſel with the defendant, firſt obſerved ſlightly upon the abſurd motion for amendment, that was made on the ſide of the crown; which, if carried, would ſtill require itſelf to be amended, or leave the matter as much at large as ever; ſince the clerk muſt be thereby reduced to make another application to the court, to be informed, what that legal import is. Af-

* The motion was thus worded at the ſpecial direction of Lord Mansfield, who, in theſe cauſes, is always of counſel with the crown.

ter

ter this he proceeded in the following manner, taking up the argument upon both the motions united.

"My Lords, This is an information for a *ſeditious* printing and publiſhing of a paper ſigned *Junius*: The jury have found Mr Woodfall guilty of printing and publiſhing *only*.

1. I ſhall firſt contend, That this is an acquittal. The charge brought before the jury is grounded upon the defendant's evil and ſeditious deſign in publiſhing; the jury find the publiſhing only; this then is not convicting him of the charge; which is, the ſeditious intention. It is firſt neceſſary to prove, upon the trial, the fact of publication; next, the conſtruction put upon the paper in the information. Theſe are the points which are to be given in charge to the jury; and the jury muſt be convinced of both. By the general word of *Guilty*, the jury find the whole charge to be true. They have not done ſo. They have not found the fact of publication *merely*; but they have added negative words, to exclude every thing elſe. To what the jury do not ſay, there is by law a negative.* But here the jury have themſelves taken care that their ſilence ſhall not be miſinterpreted. Had they been ſilent, whether the paper was a libel or not, and not referred it to the opinion of the court, their ſilence muſt have acquitted; but here they have uſed the word *only*, expreſsly to exclude every idea of a crime.

If juries may be juſtly ſaid to negative every thing they do not find, in a queſtion of civil property, much more muſt they be ſaid to do ſo now, where the criminal motive makes the offence they have in charge. I do not ſay, that a ſtrict and literal proof muſt be brought of every part of the information; but I do ſay, that criminal intention is of the eſſence of a crime, and muſt enter into every idea of guilt. Of this criminal intention the jury are the judges; and if they exclude that, the defendant is acquitted.

To ſupport a general verdict of *Guilty*, it muſt appear that the jury believed the paper libellous. Whether libellous or not, depends only upon the conſtruction put in the information. This conſtruction they have excluded; therefore though they have not ſaid in as many words, that the paper is not a libel, they have negatived the *libelling* conſtruction, and ſaid as much in conſequence by legal inference. Where the ſubject-matter before the jury are not mere *legal words*, or words of *legal import*, it is in my opinion the province of a jury to find, whether they are criminal or not. Juries are judges both of law and fact; I mean, as far as the former is involved in the latter. The jury therefore had a right to conſider the paper charged as a libel before them. They might take it upon them if they pleaſed, or they might reſort to the judge for advice. Here they have, by their word of excluſion, gone as far as to determine, that there is no guilt in the paper. Whether they have determined wrong or right, is another queſtion.

They may, no doubt, determine generally; and where they ſo determine againſt the clear proof of the fact and letter of the law, (both of which conſtitute the crime), they determine at the peril of their conſcience. Yet a matter may be clearly libellous, and a man not incur guilt by the mere publication: as in the caſe of a friendly admonition from a father upon a ſuppoſed miſconduct of his ſon; or of giving teſtimony in a court of juſtice; the caſe of giving the character of a ſervant, and other caſes that might be mentioned. Here the intention becomes material, and properly inquirable by a jury. Though this is not capable of direct proof, it is, however, to be diſcovered by inference, of which the jury are the judges.

2. Upon the ſecond head, I am to contend, That if the verdict is uncertain or inſufficient, there muſt be a new jury ſummoned to try the cauſe afreſh. If I am not authoriſed to ſay, that the verdict amounts to an acquittal; I am ſure, they are as little authoriſed on the other ſide to ſay, that it amounts to a conviction. If the former intrepretation is not ſatisfactory, the latter certainly cannot be ſo. If ſome other ſenſe is given to the word *only* than what I have put upon it, the whole becomes doubt and ambiguity; and a new trial muſt be had by another jury. This cannot be taken otherwiſe than as *a general* verdict; and in general verdicts nothing is left to inference or intendment *. You muſt have the underſtanding of another man, hear with another's ears, and ſee with another's eyes, before you can know what

* So determined by all the judges in the exchequer-chamber. Withers v. Lord Jerſey.

* Vaughan 75. Roll's Abr. 693. Barry and Philips.

what a jury meant, upon what they have not expreſſed. There is in the books the plaineſt caſe, where a direct inference muſt unavoidably be made from the finding of the jury; and yet that not being expreſſed, the verdict was rejected as inſufficient. The jury had found the damages to the plaintiff, in the defendant's not keeping his promiſe; and yet, not having found directly, that he made ſuch promiſe, the verdict was ſet aſide*. If then we ſuppoſe the other ſide right, in ſaying, that the jury have found ſufficient to bring the guilt of the defendant before the court; it is at leaſt ſaying ſo, without knowing what the jury meant, as to the conſtruction put upon the libel. Let them model it as they will, they cannot make it a general verdict of Guilty, without leaving their ſenſe upon the conſtruction unknown, which muſt neceſſarily be included in every verdict of Guilty.

But let what arguments there will be made for this new-modelling the verdict of the jury, there is one ſuperior to all the reſt againſt it; which is, that the defendant would be thereby precluded from taking the ſenſe of a ſuperior court of review upon the verdict, as at preſent formed. If the defendant is found guilty, why is not the judgement entered as it is found, and the ſentence of the court paſſed upon him? It will then appear, by writ of error to the Lords, what this verdict was by which he is ſaid to be convicted. But if this new-modelling takes place, he will be for ever deprived of this advantage†; which indeed is the only reaſon I can ſuggeſt to myſelf of the attempt that is made to obtain it; for if it is a general verdict of Guilty, I ſay again, it need not be entered otherwiſe than it is found. No caſe can be produced, where the words of a general verdict have been altered to make room for other words. They would indeed be words different from the meaning of the jury. In ſhort, if it is not a verdict of conviction, your Lordſhips will not alter it to make it ſo; and if it is, let it, as it muſt, be entered in the words wherein it is found."

* Yelverton 67. Shelly's.

† Becauſe the alteration will not appear upon the record; and by ſome ſtrange conſtitution in the juriſprudence of this country, no court of review can take notice of the miſconduct of judges in making ſuch alterations.

Mr Lee on the ſame ſide. "It is an abſurd and impoſſible idea, that the jury ſhould convict that man of a libel, whom they meant to acquit of a crime; and this meaning is plainly demonſtrated by the word of excluſion which they have introduced into their verdict. The jury will never be ſaid to have found ſuch a verdict, as ſhews their intention to find him guilty of the charge laid in the information. They meant, no doubt, to have found him the printer and publiſher of the paper, as it appeared in the Public Advertiſer; and not as coupled with all thoſe heavy charges and innuendoes, as deſcribed in the information. There are ſtrong caſes in the law to prove, that a partial finding is inſufficient. Where a man was charged with an intruſion into a houſe and lands, and the jury only found the intruſion into the lands, the verdict was declared to be wholly void*. But in this caſe, let the finding of the jury be what it will, it is impoſſible for the court to alter it; for it is moſt deciſively laid down, in books of the greateſt authority, that the court cannot amend a general verdict in a criminal matter†."

Mr Thurloe, Solicitor-General. "I know no rule or caſe in law, by which the ſilence of a jury upon any fact that ſhould be made a part of their verdict, muſt be conſtrued to imply the acquittal of the defendant. On the contrary, there is an authority in the law upon the very caſe of a libel, where a partial finding of the jury was held inſufficient. A charge was brought for the writing, collecting, and printing, a number of ballads, and thereby forming a libel upon the King: the jury found the defendant guilty *only* of the printing; and this verdict was allowed to be good upon the iſſue‡. Where-ever the jury ſhall have omitted a matter *of fact*, the court will not *intend* that fact: neither will they conclude the defendant innocent, becauſe the jury have not ſaid that he is ſo; but they will then order a new jury to come and try the cauſe again.

If it is ſaid, that the jury meant to excluſe a concluſion of law, that were monſtrous. To ſay that the jury found the fact of publiſhing the paper, as charged in the information, but that they denied the interpretation of the law up-

* Leonard, 296.

† Silk. 47. 53. Cro. J. 210.

‡ Lord Raym. 414. 12 Mod. and Salkeld.

on it, were bringing them wholly out of their province: for they are only judges of fact, and with the law they have nothing to do. If the jury are faid to have found the publication of fome other paper, than that as charged in the information, it is faying, they have found a fact which they are not charged to inquire into. This were making them to have done more abfurdly than they have; and what they have manifeftly no right to do. Their words muft neceffarily be referred to fomething; but why fubftitute a fubject out of the information? For if they have found that the defendant *only* printed and publifhed the libel charged in the information, they have found what will ever be enough to convict. The jury cannot prevent the judgement of law from paffing upon the facts which men are found to have committed.

The jury are to inquire into a fact as charged in the information; and the fhort anfwer they give in the words of *Guilty* or *Not guilty*, muft be referred to that particular charge; otherwife they fay nothing.

It is not neceffary for me to contend, that any *facts* fhall be fupplied by *innuendo* in the finding of a jury; but if the jury meant to exclude a conclufion of law, I dare fay your Lordfhips will not attend to it; for when a jury has found fufficient facts to fupport fome verdict in the caufe, they cannot go further, and find a wrong conclufion of law. When the jury have found fufficient matter of fact, your Lordfhips will fupply the matter of law: as was determined in the cafe of Lord Paget; where, in the queftion of a fraudulent conveyance, the jury having found fufficient fpecial matter, the court inferred the conclufion of law, that the conveyance was fraudulent, though the jury had not expreffly found the fraud *. However, in this cafe, the jury have expreffly found fome guilt; and it is now become the province of this court, to fay what that guilt amounts to."

Mr Moreton. "The fubject for the jury to have inquired into, was the application of this libel to the perfon upon whom it is charged in the information to have been made. I confefs, that the matter here charged, would not be libellous, if it affected any body elfe than the King. The jury have found the fact of printing and publifhing *only*; and that was the only thing they had to find. For what is the crime charged? It is the printing and publifhing the matter and things contained in the information. Upon which the jury feem to me to have faid, that he is *only* guilty of printing and publifhing the paper *charged in the information*, (for that is all we have to add); and this is the fame as if they had found him Guilty generally."

Mr Wallace. "The verdict is full, and requires no intendment. The charge is for printing and publifhing a libel; the defendant fays he is not guilty of the charge; the jury being afked, they fay he is guilty; that is, *only* of printing and publifhing; which is the fame thing as finding him guilty generally.

It would have been material if the jury had excluded in this verdict the allufions made from the paper in queftion to the libel in the information. As to the objection, That they have not found the intention, that will avail as little now as it did before in the cafe of the King and Frere. It was objected there alfo, that the jury had only found part of the charge, and that fo much as they had found did not infer any illegal act; for that there are cafes in which it may be lawful to write a libel, as for a clerk drawing an indictment, or a ftudent taking notes in court. But the Chief Juftice faid, their finding fuch a fact in the cafe of an information muft neceffarily infer a crime."

Mr Dunning. "Verdicts are not to be entered in any cafe in the preciſe words the jury give them; nor are they fo. Something is aiways to be added. Had the word *only* been omitted, there is no doubt the verdict in this cafe would have been competent; for the clerk would have added, *the matters charged in the information*. Let thofe words be ftill added, and the infertion of the word *only* will make no difference.

All the books agree, that the jury *may*, in thefe inftances, take the law and fact together, and give a general verdict. This I know has been difputed; but whether difputable or not is another matter. However, it has not yet been infifted, that juries *ought* to take this upon them; nor will I intimate my own opinion upon it.

In this cafe at leaft the jury have not taken upon them to decide the law. They have faid, that the defendant is

* Moor 194. Dyer 362.

guilty of printing and publishing a certain paper; but whether there is any guilt in that, or what degree of guilt, they do not chuſe to determine; they leave that to others; for their own part they beg to be excuſed. It being then at beſt a matter of diſpute, whether a jury ſhould decide upon the law or not, and as they have not done ſo expreſsly here, why ſhould they, by inference, be concluded to have done ſo, in determining the paper not to be a libel, upon thoſe perils to which they will be thereby ſubjected?

As to the objection, That the alteration will not appear upon the record, when removed by error into another court; this goes no further than in every other caſe, when the court or clerk add words to the general finding of juries. Beſides, this is a matter of fact, whether the jury have found the defendant guilty, or not; and no matter of fact is ſubject to any reviſal by error. Upon the whole, I am ſatisfied, that the meaning of the jury was to find the fact; and whether libel or no, to leave to the determination of the court."

Mr Walker. "As to the objection, That the jury have not found the intention; it is manifeſt, that if the jury find the fact, they muſt find the deſign with which it is done; for the defendant is a free agent, and therefore anſwerable for the legal conſequences of his own act."

Mr Serj. Glynn in reply. "It ſeems to be allowed by all the counſel for the proſecution, that the verdict, as it ſtands at preſent, requires ſome kind of amendment; without which no judgement can be given upon it. I beg leave to ſay, if ſuch words were to be added as the gentlemen on the other ſide would wiſh to annex to the words found, ſuch addition would flatly contradict the obvious ſpirit and meaning, as well as letter of the text, and make the whole ſuch a jumble of contradiction and nonſenſe, that no judgement could poſſibly be given upon it. Mr Dunning ſays, no verdict can be ever entered in the mere words of the jury, without adding ſomething. I confeſs it. But what is that ſomething, and who makes the addition? To the bare words *Guilty*, or, *Not guilty*, is added, *of the matters and things charged in the information*, in ſuch formal words as paraphraſe the clear indiſputable finding of the jury, without, in the ſmalleſt degree, impairing, amplifying, or altering their ſenſe. This entry or addition is made by the clerk; and ſuch an addition, ſhould the clerk neglect to make it, the court will afterwards ſupply, as a mere clerical omiſſion. But it is one thing to correct the miſtakes of the officer, or clerk, and another to ſupply the intentional omiſſion of the jury. When the jury bring in a common verdict, the clerk enters it in the common form; but the clerk has no right to expunge, or eraſe, or alter the words of the jury, when they have not found them in the common way. And I affirm, that the court has no more power to ſupply ſuch an omiſſion of the jury than the clerk. The verdict of the jury is not at all altered or impeached by ſupplying clerical defects; but in this caſe the ſenſe of the jury, not of the clerk, the verdict itſelf, would be materially and eſſentially affected and changed by the alteration propoſed to be made by the court.

It has been ſaid too, that the jury meant to find the fact ſpecially, or to bring in a ſpecial verdict. But they certainly have not found a ſpecial verdict, nor is it a fair inference from the words that they meant to do ſo. It is well known, that in a ſpecial verdict all the facts muſt be found, and it muſt conclude with deſiring the advice and opinion of the court upon the whole. Is this verdict ſo circumſtanced? Do the jury here aſk any queſtion of the court, or crave its aſſiſtance to guide them *? But if it were a ſpecial verdict, the court could only determine upon what was expreſsly found, and not upon intendments and conſtructions of their own raiſing. However, we beg leave to inſiſt, that this was meant as a general verdict, and that the jury underſtood it to be a verdict of acquittal; for in a general verdict, they decide upon the whole of the caſe, and upon what they are ſilent they acquit the defendant; by ſaying nothing of the paper, therefore, they find it no libel. Were I to admit the criminality of the paper to be a queſtion of law, it is ſurely ſuch a queſtion as is compriſed in the iſſue which the jury have in their province to try, and which they muſt neceſſarily take into their conſideration when they give a general verdict. Whatever they have not decided upon, they have certainly negatived. Had they meant to eaſe their own minds

* *Non tali auxilio.*

as

as to law, they could have done it in no other way, than by finding ſpecially. This is the ſame caſe as that of Elſabeth Canning, and of Penn and Mead. There the jury uſed the word *Guilty*, and yet excluded the crime. Let us ſuppoſe, for argument's ſake, that the jury had thought there was ſome degree of guilt in what they ſaid, and yet negatived all the crime by ſome ſubſequent word: the verdict would then have been contradictory and repugnant to itſelf, and there muſt have been a new trial. Printing and publiſhing are not the only things given in charge to the jury; the conſtruction is likewiſe in their charge; and by uſing the word *only*, they have excluded this part of that charge.

The counſel for the crown have confounded the caſes of general with thoſe of ſpecial verdicts. Mackenzie's caſe was a ſpecial verdict. The concluſion there, that the blow was felonious, was apparent from the facts, which were found. The caſe of the King and Brere was very diſtinguiſhable from the preſent. Nor is there any caſe, where, in a general verdict, the jury can be ſuppoſed to refer any matters to the court. They have found as their general verdict, that the defendant is guilty of nothing more than of *printing* and *publiſhing*; and by the word *only*, applied to theſe acts, they have qualified and reſtrained that uſe of the word *guilty*. — They have found the defendant guilty only of a part of the charge; and for the addition or alteration which are now wanted to be made to this finding, the caſe becomes quite new and ſingular; becauſe there is no inſtance of a verdict having been entered contrary to the finding of a jury, excepting in mere clerical miſtakes. To ſay that the entry ought to be *Guilty* generally, becauſe, if the jury had not ſo intended, they would have brought in their verdict *Not guilty*, would be at beſt putting a ſenſe upon doubtful words, which if any explanation were neceſſary, ought to have been explained at the time the verdict was given; but it comes too late to be admitted now. If a meaning muſt be put by the court upon theſe words, the moſt obvious one is that of acquittal. If we are to go out of the words for a meaning, reſort to the affidavits of the jurymen. If there is no meaning in them, it is an inſufficient verdict, and there muſt be a new trial. But if the verdict appears ever ſo unmeaning to your Lordſhips, you cannot now amend it, becauſe you have nothing to amend it by; as has ſometimes been done by notes taken at the trial, to correct the miſpriſion of the clerk. Nor can you now give a contradiction to the jury, by ſaying they meant to find the whole, when they declare they meant ſomething ſhort of it. If it is a good and ſufficient verdict, it need not be altered at all; if there is any thing more than clerical defects in it, it *ought* not to be altered. In the one caſe we are intitled to an acquittal; in the other, to a new trial."

Lord Mansfield. "Though the court will not yet determine, whether the affidavit of any of the jury may be read in this cauſe, yet I have permitted one to be read a little *by way of ſtating it* *; and I there find, that the application of the innuendoes is not denied; only the *criminal conſtruction* put upon the paper in the information. To have denied the one, would have been very material; with the other they have nothing to do. In that caſe, there would be no proof to them of the paper, as charged in the information. But if the jury find, that the defendant publiſhed at all, they find the paper, as charged in the information, for that is their only inquiry. I take it from the affidavit which has been ſtated, that it does not appear, whether the jury meant to ſay, that the paper is no libel. If they had the leaſt doubt, whether the innuendoes were properly ſupplied, there ſhould be a new trial. I did not leave it to the jury, whether the paper was innocent or not. I never do. I ſummed up to them, as I always have done in ſimilar caſes, that if they were not ſatisfied of the fact of publication, or had a doubt of the application of any of the words in the information to the blanks in the letter, they muſt acquit the defendant. But I told them alſo, that whether the paper was criminal or innocent, was to them a ſubject of indifference; becauſe, if innocent, judgement would be arreſted in this court. Here the jury did not mean to find the malice of the defendant, becauſe it was not within their inquiry; nor did they mean to exclude it, becauſe it was not within their power to exclude a legal deduction.

There may be ſomething of a diſtinc-

* This was the affidavit of William Sibley, baker.

tion in the books about amending a verdict in a civil and in a criminal case. But it is a mistake; and there is nothing in it. In the case of Gibson for forgery, all the judges were of opinion, that where the officer had drawn up the verdict CONTRARY to the finding of the jury, it might be amended†. There is a case of this sort in the year-books, as early as the 3d of Richard III. I forget the page, as I speak only from the memory of my reading. This is the only way of altering a *verdict* either in a criminal or a civil case. There is, indeed, a found distinction, which holds in the *pleadings*; for those cannot be amended in criminal matters.

Whatever may be the inclination of my opinion in this case, it is too late to have any effects from it in this term; therefore let it stand over to the next."

Judge Aston. "The jury are elected, tried, and sworn, to determine concerning the matters contained in the informations; therefore, if they find any fact of publication, they must find, not the simple fact of publishing that *Public Advertiser* sold at the defendant's house, but that very libel charged in the information."

"The court will advise."

† This was a special verdict, and only made agreeable to the fact.

A narrative of the Grosvenor cause.

ON Thursday, July 5. at eight o'clock in the morning, being the first sitting after term, came on, before Lord Mansfield, in the court of king's-bench, the cause, Lord Grosvenor plaintiff, and the Duke of Cumberland, the King's youngest brother, defendant, for unnecessary communication (or criminal conversation) between the defendant and the plaintiff's wife.

Mr Wedderburn, who opened the cause, particularly insisted on the defendant's rank, as an aggravation of his crime. He instanced several cases to support his argument, and then methodically stated the facts. He set forth, That his R. H. in his excursions to Towcester in Northamptonshire, Coventry, Marford Hill, Whitchurch in Shropshire, Chester, and St Alban's, in order to meet Lady G——r, assumed, at different times, the names of *Squire Morgan, Squire Jones, the Farmer*, &c.; that he sometimes appeared as a young Squire disordered in his senses, and used to be called at the inns *the Fool*; particularly at Whitchurch, where a noise being heard in passing from one room to the other, it was disregarded by the people of the house; who said, it was only *the Fool*; and that he had taken down with him one Gedding his servant, who went by the name of *Trusty*, for the purpose of carrying on his intrigue with the greater security; that they had witnesses to prove, That Lady G——r was several times carried to the back door of the D. of C.'s house in the Park, where she went in, and staid for some time; that the D. had traced her from place to place, and from inn to inn; and that his custom was, to chalk the door of the room where he lay, that her Ladyship might know where to chuse her chamber in the same inn: That at St Alban's, the door being broke open, discovered the D. sitting with his *waistcoat loose*, and the lady with her Dresden unbuttoned, and her *breasts wholly bare and exposed*. But previous to his calling witnesses to prove this, and many more important facts, he read to the court several letters written by Lady G —— to the D. of C. and from the D. of C. to her Ladyship. These were such, he said, as could only pass between persons who had laid aside all reserve. He then referred in support of this assertion, to the passage where the Duke mentions, with such transport, the incident of *the dear little couch**; and said, that this circumstance, as it would be supported by the evidence, would leave very little doubt in the minds of the court, of Lord Grosvenor's dishonour being complete; and observed, that the *seeming simplicity* of the style was also a convincing argument of their guilt. He then acquainted the court how Lord G. discovered this epistolary correspondence.

His Lordship meeting with one of his

* In one of the D.'s letters, which he wrote to Lady G. from on board the Venus in the Channel, he tells her Ladyship, "I got to supper about 9 o'clock but I could not eat and so got to bed about 10——I then prayed for you *my dearest love kissed your dearest little hair* and laye down and dreamt of you had you on the dear little *couch* ten thousand times in my arms kissing you and telling you how much I loved and adored you and you seemed pleased but alas when I awoke I found it all dilusion *nobody by me but myself at sea.*"

servants,

servants, near Chester, going with a letter from his Lady to put into the post-house, stopt him to go upon another errand, taking the letter, and saying he would put it in himself. He then had the curiosity to open it, which he found to be the first letter from Lady G—— to his R. H.; when, after having taken a copy of it, he put it into the post-house, and intercepted all the rest.

After Mr Wedderburn had read the letters, he entered into observations on their contents. And, as the words *mutual feelings*, and "I hope I shall never have reason to *repent* this confidence," were mentioned in one of her Ladyship's letters, he asked what mutual feelings should pass between a married woman and any other person but her husband? or why the word *repent* should be used if it did not strongly imply a foregone dishonour? He further said, That it would be given the jury in evidence, that his R. H. had assumed the fictitious name of *Morgan*; a country squire, not very *sound* in his *understanding*; that he had taken down a servant with him for the purpose of facilitating this amour. He therefore asked, "What pain of mind it must cost his R. H. for one of his elevated station, to associate himself for several days with his own servant, pass under a fictitious name, and forego all those honours and distinctions usually paid to his rank, if he had not this dishonourable scheme in pursuit?"

After finishing these observations, he concluded by informing the jury, That they had two principal objects for their observation. The first was, the very great quality of the defendant; and the second, the irreparable injury sustained by the plaintiff. As to the former, he said, they had it now in their power to convince his R. H. and through him every man of rank in the kingdom, that the laws of England, in the hands of a British jury, are superior to all situations and connections. He likewise hoped that this would, in future, direct his R. H. to nobler pursuits than the seducing of the wife of a peer, and incline him to copy from a very near relation of his, (meaning his Majesty), whose conjugal attachments, abstracted from his other virtues, not only ornamented the throne he filled, but shed a bright example to his subjects in general. And as to the latter, that no given sum could be a recompence for the loss of every thing dear to a British Peer; and that the damages though they might appear high, yet, as no other punishment could be inflicted, he hoped no part of them would be remitted. "And now, Gentlemen," continued the learned and eloquent counsel, "I shall leave you in possession of these sentiments, and only direct one thing more to your consideration; which is, that you have now before you, the chastity and honour of the sex, the sanctity of marriage, and the custody of British morals; and that your determination will operate severally on each of these."

The witnesses were then called.

The Rev. Mr Taylor, chaplain to Ld G. proved the marriage of Lord G. with Lady G. on the 19th of July 1764; and that they always, till this unfortunate affair, lived in mutual affection.

Elisabeth Sutton, employed to take care of the Countess of Dunhoff's house when the family were out of town, knew Lady G.—Said, that the Countess went out of town in May 1769, and staid five weeks in the country: That the day the Countess went out of town, Lady G. came in the evening about seven or eight o'clock, and said her brother would come there that evening; and then Lady G. ran up stairs into the drawing-room. In about half an hour after, a gentleman came in a chair, with a double knock, the curtains of the chair drawn very close. He had on a blue great coat. He got out of the chair, and ran up stairs very quick: he went into the drawing-room, where Lady G. was. The witness did not follow him into the room, but went up about half an hour after with candles. The lady and gentleman were then sitting on a couch, close to one another. The witness shut up the windows, and left the room. She said they staid till about a quarter past ten o'clock. That it was then about the latter end of May. That Lady G. went away in her coach. She, this witness, wondered the gentleman did not go away with the lady: but that soon after, he came down stairs, and went away on foot. The gentleman was very fair, with light hair, and large eyes, had a scar on the side of his neck. The very next night after, they came again both of them, in the same manner as before, and staid pretty much the same time. Lady G. went away alone, and the gentleman soon after. They never did stay later than eleven o'clock any night.

night. — That they came three or four nights one after another in the same manner. That one evening, as the gentleman was going away, the husband of this witness, a labouring man, happened to be in the hall, and upon her saying that the gentleman was Lady G.'s brother, her husband made answer, "No, you fool; that he is not, I am sure; for that gentleman is the D. of C." — She said, that the couch did remain and continue in the drawing-room at all these several times of their coming. She never observed the door to be locked when she went up at any time when they were there.

Samuel Sutton, husband to the last witness, said, that he knew the person of the D. of C. and that he saw him about the latter end of May last one evening, at the C. of Dunhoff's house, and informed his wife who he was.

John Bourne, postilion to the Countess of Dunhoff, had lived with her three years and a quarter. — Remembered to have seen the D. of C. at his lady's house about a year ago; who then asked him to carry a letter to Lady G. and not to tell his own lady of it. He was to take the letter as if it was from the Countess of Dunhoff. — Which he accordingly did, and the Duke gave him half a guinea for his trouble. — Said he still continued to be servant to the Countess of Dunhoff.

The Duke's letters to Lady G. were then produced. Mr Dunning, the Duke's counsel, admitted them to be genuine; and several of them were read by the clerk.

Thomas Dennison, one of Lady G.'s footmen, remembered, about February 1769, that he attended his lady to Almack's; that he was ordered to return at eleven o'clock at night; that she then went away in a figured chair to the Countess of Dunhoff's in Grosvenor square, where he saw the D. of C. come in at that time. — He remembered, that in May 1769, his lady was at Craven-hill, near Paddington, and came from thence frequently to the Countess of Dunhoff's. That he had often attended Lady G. to St James's palace, about the latter end of April or the beginning of May 1769, where she was set down at the fore gate; that he had seen her then go cross the court-yard at St James's into the Park, and go in at the D. of C.'s. back door in the Park, attended by the Countess of Dunhoff; and that upon these occasions, which were generally at about eight or nine o'clock in the evening, it was Lady G.'s custom, to discharge the coach, and order it to come again in two hours time; after which she returned through the Park the same way to her coach: That this happened four or five times. — That about the latter end of September, in the same year, he had attended Lady G. to Kensington gardens, where the D. of C. had frequently met her. — That in the month of October, in the same year, he attended his lady down into Cheshire. The first night she lay at St Alban's, the next night at Towcester, the third night at Coventry, the fourth night at the Four Crosses, the fifth night at Whitchurch, and the sixth night at Eden-hall, in Cheshire, the seat of Lord G. That after his lady's arrival there, he observed she walked out in very dirty weather, and in very dirty fields. That he remembered going once to deliver a message to her in the fields, and saw her with a man, sitting down or lying down, he could not tell which: That upon seeing him, she suddenly got up, and ran towards him: That he did verily believe the man to have been the D. of C: That whilst his lady came towards him to take his message, the man seemed to skulk behind a tree. That on the 21st of December last, he attended his lady at St Alban's, where she was that day on her return to London: That he this witness, being already gone to bed, was called up by Mr Stevens, the butler, who likewise attended Lady G. on her journey to London: That Stevens told him, there was a man locked up with their lady in her bedchamber, and that he had called him, this witness, up, because it was his, Stevens's, intent, to break open the door: which he did accordingly effect with an iron poker: That when the door was broke upon, he saw the D. of C. standing in the middle of the room, dressed: That it was then about eleven o'clock: That Lady G. got to the opposite door, which led to another room: That the D. was buttoning his waistcoat, which had been open. That Lady G.'s neck was naked: That her dress was such one as did button down before, and likewise buttoned at the wrists: that he thinks they call it *a Polait*. The D. upon the discovery being made, stood very much confused, like a statue, and could not speak: That when he did, he said, "Gentlemen, I hope you will not hurt

hurt me." He then attempted to go out; but Stevens called out, Stop that gentleman. As ſoon as the D. had got into another room, he ſaid, "Take notice. I was not in Lady G.'s room." To which Stevens made anſwer, "No, you are not now, but you was this minute." To which the Duke replied, "He would take his Bible-oath he was not in my Lady's room." This witneſs obſerved the bed to be very much tumbled, but not the bolſter; ſaid that he knew the D. very well; that his coat was darkiſh, his waiſtcoat of a light colour; that he had a ſilk handkerchief about his neck, and a dark round wig on; that he had white breeches, and white ſtockings. —— On being croſs-examined, ſaid, That when he attended his lady to Kenſington gardens, Lady Carolina Vernon was uſually with her.

Edward Bennet, one of Lady G.'s footmen, remembered going with his lady, in June 1769, to Carliſle-houſe, along with Lady Harrington. They ſtaid there about three quarters of an hour, and then came away. Remembered to have kept places at Drury-lane in February 1769; that the D. of C. came into the box, and ſat down, and told him he need not to ſtay any longer, for that he, the D. of C. would take care of the place for Lady G. Remembered, that in April or May 1769, his lady and the Counteſs of Dunholl went ſeveral times in the coach to St James's palace, and from thence walked through the court-yard into the Park, and ſo in at the D. of C.'s back door, &c. Confirmed the evidence of the laſt witneſs as to the St Alban's affair, with this addition, that he, this witneſs, put his ear to the key-hole of the door, and could plainly perceive two voices whiſpering to each other, upon which Mr Stevens and this witneſs broke the door open.

Robert Gedling, porter to the D. of C. ſaid. That he *had* ſeen Lady G. Acknowledged, that he did attend the D. of C. to St Alban's in October 1769, with another ſervant, John Swan, a groom: That they lay at St Alban's, and went forward next day through Stoney-Stratford, lay at Towceſter next night. Remembered *that the Duke's chamber-door was chalked by him*, and it was his *uſual cuſtom* to do ſo. Said, that the D. was dreſſed plain like a country-farmer, and this witneſs in the ſame manner; and paſſed for ſuch kind of people by fictitious names, which this witneſs gave them of his own accord, without any orders for it from the D. That they came back to London the next morning from Towceſter, ſet out from thence about two in the morning, went on all night, lay at Coventry the next night, and at the Four-Croſſes the night after; did not know there was any other company at the inn; that they got to Whitchurch the next night; the next day at Barnhill, where a family went by, whom they found afterwards to have been Lord G.'s. They then went to Cheſter, and from thence to Eden-hall, where his R. H. went to viſit Lady G. The next day he went alſo to viſit Lady G. and came back to the Falcon at Cheſter, where they called each other farmers, and paſſed as ſuch. Did not recollect that he did chalk the door of the Duke's chamber when at the Falcon at Cheſter. The next day the D. went again to viſit Lady G. Said, that his R. H. never went into Ld G.'s houſe at all, nor even into the garden, except on the Saturday, which was the firſt day, but always ſaw her on the outſide of the garden-rails. That they lay on the Monday at Marcourt-heath, ſaw Lady G. on Tueſday, lay that night again at Marcourt-heath, and returned to London the next day: That the occaſion of their ſudden return was, this witneſs thought that his R. H. was known at Marcourt-heath, and therefore adviſed him by all means to return to town immediately. Said poſitively, that his R. H. did not at any time go into the houſe of Lord G. Remembered, that he received a parcel undirected from Lady G. in the month of December, in anſwer to a ſimilar parcel which he had carried down to her from the D. of C. —— *Croſs-examined.* Said, that until their arrival at Barnhill, he did not in truth know that the D.'s journey at all related to Lady G. Declared, that at every viſit the Duke made to Lady G. this witneſs was preſent, and in ſight the whole time; that ſometimes they were walking, ſometimes ſtanding, ſometimes ſitting on the ground. He ſaid, that at St Alban's, on the 21ſt of December, he obſerved a man in a blue coat who was boring holes in the door of Lady G.'s bedchamber; and that he, this witneſs, acquainted the Duke therewith: That at the time of the breaking open the door, the witneſs was in bed; but got up directly, being

roufed

roufed by the noiſe: That when he came into the bedchamber, my Lady was gone, and the Duke was not there: That the condition the bed was in was as if *one* perſon had been *ſitting* upon it, and no more; merely the preſſure of *ſitting* upon it, and no more.

John Burton ſaid, he was waiter at the Tun inn at Towceſter: That in October laſt, two perſons were at the Tun inn, who paſſed for farmers, whom the witneſs believed to have been Mr Gedding and the D. of C.; ſaid, that he this witneſs attended them both at ſupper, and remembered to have told them both, when at table, that Lady G. was in the houſe with her family; remembered that the two perſons ſet out towards London, at two o'clock in the morning.

Jane Charlton, lived at the Four-Croſſes in October laſt; ſaid, That ſome time in that month, a gentleman and two ſervants came there; the gentleman was low in ſtature; that ſhe had ſeen him ſince, and knew him to be the D. of C. The ſervants ſaid his name was *Morgan*, and that he was rather diſordered in his mind. Remembered that his chamber-door was chalked. That there was another family in the houſe that night, Lady G.'s who lay herſelf in the next room to the gentleman.

Sarah Richardſon, lived ſervant at Whitchurch in October laſt, at the Red-Lyon inn; ſaid, that Lady G. came there one day in that month with her ſervants; that ſhe deſired to ſee the chambers, which this witneſs ſhewed her; that ſhe was ſhewn one of the beſt rooms in the houſe, which ſhe did not like, and made ſeveral objections to; that ſhe afterwards went through the reſt of the rooms, and made choice of the worſt room in the houſe; that it was noiſy, being near to ſtables; that ſome of the windows were broke, and the room very damp: That ſhe remembered two gentlemen were there, which were, as ſhe has ſince diſcovered, the D. of C. and Mr Gedding; that they had a ſervant with them: That the D. paſſed for a young ſquire, one Squire Morgan, who was a little fooliſh in his mind, and travelled about for his health under the care of the other gentleman, Mr Gedding, who went by the name of *Farmer Truſty*: That ſhe remembered the young Squire's chamber-door had a chalk-mark upon it, and ſhe likewiſe remembered the room Lady G. made choice of was in the ſame paſſage, and nearly oppoſite to the young Squire's chamber. That Lady G. went to bed about nine o'clock, and that about twelve o'clock, as ſhe this witneſs was ſitting in the bar below, along with a fellow-ſervant, adjuſting their money-accounts before they went to bed, that they heard a ruſtling of cloaths in this ſame paſſage: That this witneſs would have gone up ſtairs to know what was the matter, but her fellow-ſervant ſtopped her, ſaying, It is only the fooliſh gentleman; and added, Don't go up; perhaps the fool may harm you. That when this witneſs made the young Squire's bed the next morning, it was moſt exceedingly tumbled, ſo as ſhe never ſaw any bed that had been lain in only by one perſon; and *there were ſo did not know how many ſins in the bed.* That ſhe obſerved nothing particular in Lady G's bed.

Mary Spencer ſaid, That ſhe was miſtreſs of the Red-Lyon inn at Whitchurch; remembered, in the month of October laſt, the two gentlemen being there, who paſſed for Squire Morgan and Farmer Truſty, together with a ſervant;—remembered the young Squire's chamber-door being chalked; remembered Lady G.'s being there, and her chuſing the worſt room, whilſt the others were vacant.

John Jones ſaid, That he kept the inn on Marcourt-heath; that the D. of C. came there in October laſt, and ſtaid ſeveral nights; that he went by the name of *Farmer Jones*; and had another perſon with him called *Farmer Truſty*; that he ſtaid till about the 3d of November.

John Andrews ſaid, he was ſervant to Lord G. Remembered his Lordſhip came down to Eden-hall on the 3d of November laſt; that he this witneſs came there on the 2d of November, both from Newmarket.

Matthew Stevens ſaid, he was butler to Lord G.; was at St Alban's, at the White-Hart inn, on the 21ſt of December laſt, attending his lady and the family from Cheſhire; that they came in about half paſt five o'clock; that upon arriving there, he made inquiry, and found there were two gentlemen in the houſe, one of whom he had ſtrong reaſons to believe was the D. of C. That this witneſs took an opportunity, in the evening,

evening, to bore two holes in the door of the bedchamber his lady had made choice of, and ſtopped them with paper: That he then went down, attended his lady at ſupper, and carried in a diſh of meat to the table; that his lady retired to her chamber before nine o'clock: That he made her a negus, as was his cuſtom, and carried it into the parlour; but finding her gone, he went up ſtairs with it to her chamber: That ſhe took the negus of him at the chamber-door, and ſhutting the door, turned the key upon him. He went down, and fetched his brother John Stevens, who kept the Wool-pack at St Alban's; and returning ſome time after, he took the paper from the holes in the door, and applying his ear, very plainly perceived two voices, one of which he knew to be Lady G.'s: he could not however diſtinguiſh any words. That ſoon after John Andrews the groom bringing him word, the D. of C. had ordered a chaiſe to be ready at two o'clock in the morning, he was determined to loſe no time, and therefore he reſolved to break open the door immediately; that he did ſo with an iron poker; that the door broke at the hinges, and not at the lock: That the firſt object he ſaw was the Lady G. endeavouring to eſcape into the next room; in doing ſo, ſhe fell down; that this witneſs aſſiſted her to get up: That her Ladyſhip then ſaid, "I ſuppoſe you think you have done a very fine thing now:" That this witneſs anſwered her, "My Lady, I am ſincerely ſorry for the occaſion:" To which ſhe ſaid, "I am ſure you are." That the Duke got into the next room, and then ſaid, "Take notice, I am not in my Lady G.'s room:" To which this witneſs made anſwer, "No; you are not now; but you was this minute:" To which the Duke replied, "He would take his Bible-oath he was not in my Lady's room." That the D. was aſked by this witneſs, Who he was? to which he made no anſwer. That this witneſs called in the reſt of the ſervants, who all declared they knew him to be the D. of C.; upon which the D. was told, that his perſon was very ſecure, and that he might go where-ever he pleaſed. That the bed was very much tumbled, as much ſo as a bed could be; that the ſheets were exceedingly tumbled, and a diſcoloration on the farther ſide of the bed, like the impreſſion of a head. That when he bored the holes in the chamber-door, he remembered there was no other light in the room but that of the fire; that no candle was in the room. —— *Croſs-examined.* Said, That he did not know any lady of the name of *Charlotte Wynn* or *Miſs Williams*, nor did he in the year 1765: That this witneſs did remember to have carried a letter from Lord G. to a lady at the Falcon inn at Cheſter, but did not remember her name: Thought that it was a meſſage for the lady to come to Lord G. to ſpeak with him: That he thought the lady might have been about five or ſix and twenty. That this witneſs did not obſerve any thing very particular about Lady G.'s dreſs, as ſhe turned about very quick. Nor did he obſerve any thing very particular about the D.'s dreſs.

John Stevens, brother to the laſt witneſs, who kept the Wool-pack at St Alban's, ſaid, That on the 21ſt of December laſt, between ten and eleven o'clock, his brother broke open the door of Lady G.'s bedchamber; and confirmed the laſt witneſs in all that followed.

The counſel on the other ſide then entered into obſervations on the ſeveral evidences, where Mr Dunning ſhewed his uſual ingenuity during a ſpeech of two hours and three quarters, and then called,

Mrs Langford; who ſaid, ſhe was miſtreſs of the White-Hart inn, at St Alban's; that upon her coming into Lady G.'s room, the bed appeared to her as if it had been ſat upon by ſomebody, eſpecially on that ſide next to the fire; but did not appear at all as if it had been lain upon; that Lady G. appeared much in the ſame dreſs, as when ſhe came in; that her head-dreſs did not appear at all diſordered. —— *Croſs examined.* Did not recollect that ſhe had at *any* time ſince declared, that ſhe had not particularly obſerved the ſituation of the bed.

Sarah Gilby ſaid, ſhe was chamber-maid at the White Hart, at St Alban's: ſaw the room after the door was broke open; that Lady G.'s ſervants and the waiters of the houſe were all there; that ſhe ſaw my Lady G. that her hair appeared no wiſe diſordered; that the bed was flatted on one ſide, as if it had been ſat down upon, but not as if it had been laid upon. This witneſs ſaid that ſhe warmed Lady G.'s bed twice that evening. —— *Croſs-examined.* Said, ſhe gave the key to Lady G. which was before

on the outſide of the door, and this ſhe did before ſhe carried away the warming-pan; that the corner of the ſheets were a little tumbled: Acknowledged a paper that was ſhewn to her, to have been ſubſcribed by her; but ſays, that when ſhe ſigned that paper, ſhe was very much flurried, and it was ſo ſoon after the affair, that ſhe could not then recollect what had paſſed *ſo well*, as ſhe had been able to do ſince.

Thomas Robſon ſaid, That he was waiter at the White Hart, at St Alban's: thought the bed had the appearance of having been ſat down upon, but to the beſt of his belief, did not appear to have been laid upon.

Mrs Bran Germain ſaid, That ſhe knew Lord G.; had known him ever ſince the year 1768; that ſhe was introduced to him by one Mrs Muilman, who lives in Crown-court, in Weſtminſter; that ſhe, this witneſs, firſt ſaw Lord G. in Jermyn ſtreet, at a ſtay-maker's, where lodgings were taken for her by Mrs Muilman, in order for her to ſee Lord G. in them; ſaid ſhe had particular connections with Lord G. as man and wife; that ſhe was known to him by the name of *Sarah King*; that ſhe continued in that lodging three weeks; that ſhe did not afterwards ſee Lord G. for eight months, when ſhe ſaw him at Miſs Woodfall's in Oxford-road; that ſhe lay-in in April 1769; that the child was Lord G.'s, of whom ſhe received a twenty-pound bank-note.—— *Croſs-examined.* Acknowledged ſhe knew Mr Gedding, the D. of C.'s porter, very well; that he came to her lodging in order to bring her the ſubpœna; that ſhe told Mr Gedding the whole ſtory ſometime ago, and came there merely to ſerve Lady G. and to ſupport the cauſe of the whole ſex. Said ſhe was married to a captain of a French ſhip, and that they have expectations from a brother of her huſband's.

Mary Howe ſaid, ſhe knew Lord G.; had ſeen him at Mrs Lloyd's houſe, where ſhe came to lie with Lord G. That ſhe did do ſo. That ſhe ſaw him three days after; the ſame again. That ſhe ſaw him next day, but that nothing at all paſſed then.

Mary Wates, lived in Bolton-row; ſaid ſhe knew Lord G. and had ſeen him at her houſe; that he came to ſee ſome waiſtcoats belonging to Mrs Tremilly.

Mary Tremilly ſaid, ſhe knew Lord G. and that he came to Mrs Waten, in order to relieve her [Mrs Waten], ſhe being in very great diſtreſs; ſaid ſhe knew Mrs Gunning, and that ſhe met my Lord G. at Mrs Waten's once or twice.

The defence reſted here; after which the counſel for the plaintiff replied. About ſeven o'clock Lord Mansfield gave his charge to the jury, which laſted little more than half an hour; when the jury withdrew, and his Lordſhip adjourned the court to his houſe in Bloomſbury ſquare. Exactly at ten o'clock the jury left the hall, and proceeded in four coaches to his Lordſhip's houſe; when they gave a verdict for the plaintiff, with ten thouſand pounds damages.

The ſtory that was circulated of Lord G. having caught the defendant and Lady G. in bed at a milliner's in Bond ſtreet [xxxi. 664.], was not true.

A ſpecimen of the letters ſhall be given in our next.

To the author of the SCOTS MAGAZINE.

SIR, *Kirkwall, May* 26 1770.

KNowing your readineſs to communicate whatever may contribute to the improvement of any particular ſyſtem for the happineſs of mankind, I take the freedom to ſtate, for your publication, the uncommon ſucceſs I have had by inoculation in the North Iſlands of Orkney. [xx. 106. xxvii. 427.]

In the month of December 1769, the ſmall pox was introduced into the iſlands of Orkney, and carried off vaſt numbers for ſeveral months. This induced me to uſe all the perſuaſive arguments I was maſter of, with ſome of the common people, to ſubmit their children to that operation; and from the month of January to April I inoculated 332 in the North Iſles, excluſive of a few in the town of Kirkwall. Thoſe whom the ſpreading mortality compelled me to inoculate, were all of the lower claſs, except a few; and as they had not made the ſmalleſt previous preparation for ſuch an attack, conſequently had the very worſt accommodation for thoſe inoculated: yet, notwithſtanding the inclemency of the ſeaſon, and all the diſadvantages they laboured under, I had ſuch ſucceſs, that out of the before-mentioned number, only four died; two of whom died for want of due attendance from the nurſe, and other unfavourable circumſtances peculiar to our ſituation in theſe parts: whereas by the natural infection now raging in one of the iſlands, one out of three is dying; and by the ſtricteſt inquiry I can make, there died no leſs than 39 out of 69 in the town of Kirkwall by the natural infection.—— *I am, &c.* AND. MUNRO.

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A cafe of holding parliaments, and of preparing and paſſing bills of ſupply, in Ireland, ſtated from record. Vindicated by authority. To which is added, Annotations, together with an addreſs to George Lord Viſcount Townſhend, Lord Lieutenant of Ireland. By C. Lucas, M. D. one of the repreſentatives of the city of Dublin in parliament. 1 s. *Ewing*. 1753.

The cafe of Ireland being bound by acts of parliament in England, ſtated. [Molyneux's famous tract reprinted.] With a new preface. 2 s. *Hyde*.

A ſhort narrative of the late bloody maſſacre in Boſton, perpetrated in the evening of the 5th of March, 1770, by ſome ſoldiers of the 29th regt. which, with the 14th regiment, were then quartered there. With ſome obſervations on the ſeveral things prior to that cataſtrophe. 2 s. Printed by order of the town of Boſton. London reprinted for Dilly, Bingley, &c. —— On this ſubject we have only to expreſs our hope, that, conſidering the odious occaſion on which the troops were ſent to Boſton, tumults between them and the inhabitants did not ſooner happen, and that greater miſchief has not been done than the killing and wounding only ſeven of the townſpeople. M. —— The deſign of this narrative is evidently to inflame. That unlucky affair, as if it had been a preconcerted conſpiracy, like the ſlaughter of the Huguenots in France, and of the Proteſtants in Ireland, is dignified with the appellation of a maſſacre. As far as we are able to judge, amidſt the miſt and darkneſs in which it is involved by the heated paſſions of both ſides, it appears to have been purely accidental; and to have been the conſequence of the ill-humour which had been long increaſing between the townſmen of Boſton, and the two regiments quartered there. But if credit can be given to a great majority of affidavits, which are no fewer than ninety-ſix in number, there can be no doubt that Capt. P —— and his party were guilty of wilful and premeditated murder: though it muſt be remembered, that when people are inflamed to a certain degree, there is no difficulty in procuring evidences who will, even *bona fide*, prove any thing conformable to the prevailing diſpoſition of the times. C.

A narrative of the proceedings upon the complaint againſt Governor Melvill. 1 s. 6 d. *Becket*. —— From this tract we learn, that the complainants (the gentlemen in the Roman-Catholic intereſt) againſt Governor Melvill, did at length urge their point ſo far as to bring the affair to a hearing before the Lords of the Committee of his Majeſty's Council, in February laſt. But this, it is more than intimated, was only matter of form. In ſhort, we are frankly given to underſtand, that the iſſue of the inquiry had been predetermined; that Mr Melvill, then in England, attended their Lordſhips with his diſpatches in his pocket, ready to ſet out on his return to his government, the moment the examination ſhould be over; and that, accordingly, in half an hour after the hearing, and before any report could have been made to the King, the Governor triumphantly ſet off for Plymouth, to imbark for Grenada. —— We will not ſay, that in *reſentment* of this procedure, but rather in *juſtification of themſelves*, the accuſing party have publiſhed this *report*, with the neceſſary documents, &c. in which it is profeſſedly and boldly undertaken to ſhew, that "the Lords of the Committee of his Majeſty's Council, to whom the complaint againſt Governor Melvill was referred, acted partially and unjuſtly in the manner of examining into that matter; that conſequently the report they may have made to his Majeſty, is not to be depended on; — that from the anſwers of Governor Melvill, the charges [viz. That he had been guilty of ſundry illegal, grievous, cruel, oppreſſive, and unjuſt acts toward his Majeſty's ſubjects, contrary to the known laws of the land, and derogatory to the high truſt, &c.] were fully proved againſt him; and, conſequently, that the

the perſons who adviſed his Majeſty to ſend back Mr Melvill to Grenada, as governor, were equally diſregardful of the dignity of the crown, as of the rights of the people." —In the introductory diſcourſe juſt quoted, we obſerve ſome very free and very ſevere ſtrictures on the general ſubject of the preſent adminiſtration of the affairs of our colonies, which this exaſperated author repreſents as moſt alarmingly defective and ill conducted. How far his repreſentations are juſt, or candid, we cannot pretend to determine; but we hope theſe complainants have *made the worſt of it*, as men under *their* circumſtances of diſappointment and chagrin may naturally be ſuppoſed to have done. M.

Letters to the Earl of Hillſborough, the Marquis of Rockingham, and the Archbiſhops and Biſhops, on the late ſubverſion of the political ſyſtem of the glorious Revolution; and the manifeſt violation of the act of ſettlement, by authoriſing and appointing perſons profeſſing the Roman Catholic religion, to hold legiſlative and executive offices in the government of his Majeſty's iſlands of Grenada and the Grenadines, which are a part of the empire of G. Britain. By Pliny, junior. 1 s. *Wilkie.* —— This advocate, who pleads on the other ſide of the queſtion, expatiates with great warmth, and highly applauds the conduct of Gov. Melvill, whom he conſiders as the champion of the Proteſtant intereſt in Grenada.

That gentleman, as we obſerved in the preceding article, is returned to his government, notwithſtanding the ſtrong oppoſition made by the other party to his being ſent back in that character. Nevertheleſs we learn, from this collection of letters, which have already appeared in the public papers, that the gentlemen in the Roman-Catholic intereſt have been fortunate enough to get what are here called the *preciſitate* meaſures of Lt-Gov. Fitzmaurice [xxxi. 648], in their favour, *effectually countenanced here*, and *eſtabliſhed*. The alarm, therefore, now is, that the Roman-Catholics are gaining ſuch ground in ſome of the colonies, as muſt greatly excite the apprehenſions of every true friend to the Proteſtant religion, and our civil liberties. "We now ſee," ſays Pliny junior, "a Roman-Catholic biſhop eſtabliſhed at Quebec, and a Romiſh prieſt penſioned at Halifax; in the iſland of Grenada, two privy-counſellors, three members of the common-houſe of repreſentatives, a judge in the court of common-pleas, and juſtices of the peace in every pariſh of the iſland of Grenada, all Roman-Catholics and Frenchmen, appointed and actually exerciſing their functions at this time; while the Proteſtant ſubjects, who alone are intitled to theſe offices, are univerſally diſcountenanced, ſuſpended from their public employments, and otherwiſe puniſhed for ſupporting the laws and conſtitution of their country."

Our author traces the cauſe of all this ſuppoſed regard for the church of Rome, to what he apprehends to be its original ſource. "That you," ſays he, (addreſſing himſelf to the Proteſtants of the three kingdoms, and the colonies) "may not charge me with ſounding a *falſe alarm* in your ears, I muſt remind you, that almoſt every odious, every deteſtable, every unpopular public meaſure, relative to the adminiſtration of government, obſtinately perſiſted in during the reigns of the Stuarts, has been as impoliticly revived, and as tenaciouſly purſued, ſince the 25th of October 1760, through the ſecret influence or open violence of the Earl of Bute, and his agents. I need not repeat our general grievances; they are too recent, and too well known: our poor countrymen in New England are ſtill bleeding with the wounds given to our conſtitution, by the fatal innovation of ſtanding armies. The freedom of repreſentation, the force of argument, the ſtrength of manly eloquence, the conviction reſulting from public debates, are all loſt at home in parliament; and nothing more remains to complete the deſolation, but to give the rod of perſecution into the hands of the ancient, bloody ſcourgers of this kingdom. This work is already begun at Quebec, and in the iſland of Grenada, as will appear by the following letters; and all who are converſant in hiſtory, know very well what haſty ſtrides Popery and arbitrary power have always made, when they once gained footing in Proteſtant ſtates. The firſt act was performed at Quebec; the ſecond at Grenada; the cataſtrophe will ſoon follow; and the piece will be tragically completed in England, if we tamely acquieſce in the firſt part of the repreſentation in the colonies. Will you not then reſcue the conſtitution of your country, from the hands of an unfortunate woman, (educated in the arbitrary principles of a petty Germanic court), who has called to her aid, (merely to gratify her perſonal hatred to the Engliſh), a dark, deſigning, ſubtle Scot, inheriting the ſoul of Machiavel, who favours the Romiſh religion as the pillar of abſolute monarchy, and whoſe ultimate view moſt probably is, the reſtoration of the Stuart line to the throne of theſe realms."

But, ſurely, this is going too far! We hope this writer hath leſs of the ſpirit of divination or prophecy, than he appears to have of zeal, however intemperate, for the good cauſe of LIBERTY: a cauſe which, we truſt, WE have as much at heart as any Briton or Proteſtant whatever; although we cannot join in, or give our approbation to, theſe violent attacks on perſons in high ſtation, or in power, upon every ſlight, and perhaps,

perhaps, *fallacious* appearance * againſt them. Whatever their conduct be, candour and decency, as well as juſtice, require, that it be candidly and decently examined, and not outrageouſly condemned, without a previous hearing, and fair trial. The days in which we now live are hot and boiſterous; but the time will come, perhaps, when we ſhall look with ſhame and ſorrow on the injury that may have been done to innocent characters and blameleſs conduct. We ſpeak not merely in reference to any particulars in the diſputes which have given riſe to the preſent article, but from the general view of the licentious illiberal behaviour of writers and agents on both ſides of every public queſtion. What outrage, what madneſs, what execration, and what crimination on all ſides! — But, for the honour of our country, we hope the teſtimony borne by each party againſt the other is equally falſe; for, if it were true †, it may fairly be inferred, that never before hath ſo worthleſs, ſo abandoned a race exiſted: and we need not heſitate to pronounce, that it will be more tolerable for Sodom and Gomorrah, in the day of judgement, than for ſuch a degenerate and wicked nation. M.

* *With reſpect to gentlemen in the adminiſtration of the colonies, the abuſe and obloquy caſt upon them, by* both *parties in the preſent diſpute, afford a ſtrong preſumption in favour of their* impartiality, *at leaſt.*

† *The preface to the papers collected by* Old Slyboots, *and the preface to theſe letters of* Pliny junior, *form a very ſtriking contraſt, in this reſpect.*

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Remarks upon the mortality among the horned cattle, containing directions for extirpating the infection, or, at leaſt, for obſtructing its progreſs. Tranſlated from the Low-Dutch of Salomon de Monchy, M. D. Dated, *Rotterdam, April* 8. 1769. 1 s. *Cadell.*

Theſe remarks are intended to eſtabliſh the

the following points, viz. 1. That this diſeaſe is of a contagious nature, and as ſuch, belongs to a claſs of diſtempers, of which, by the teſtimony of the moſt eminent phyſicians, we are obliged to declare, that in general we have little knowledge, and which we cannot cure. 2. That it is not in our power to prevent the *virus* from ſeizing the nobler parts; or to conduct it in ſuch a manner as to confine it to parts of leſs conſequence, upon which, in a great meaſure, the degree of danger depends. 3. That the diſeaſe ſuddenly produces a violent effect, and cauſes a change in the body extremely different from its natural ſtate, and which, when heightened to a certain degree, may be deemed incurable. 4. That we do not thoroughly know, and perhaps never ſhall know, wherein the true nature of the prediſpoſing quality in the body to catch the infection conſiſts, nor what is the particular organization of the cattle, nor wherein the ſpecific quality of the *virus* lies. 5. And, finally, that after almoſt all poſſible experiments, we cannot boaſt, that in any material point, we have gone beyond the phyſicians of former, or even of the moſt ancient times, in diſcovering any method for diminiſhing or extirpating the prediſpoſing quality, or for rendering the *virus* inert, and conſequently for curing the diſtemper.

If theſe ſeveral poſitions (ſays the author) are true, I am perſuaded every one will agree with me, that there is little ground to hope that a perfect antidote will ever be diſcovered; and that if it ſhould ever be found out, it will be the production of chance rather than of human ſagacity; or perhaps ſome of the cattle themſelves may be led to it by natural inſtinct, and thereby diſcover it to us. ——

Nothing then remains to be done, but to ward off the contagion, or to reſtrain and prevent its progreſs, or wholly to extirpate the *virus*. —— For warding off the infection, there has been for ſome time paſt [83, 4.] a placard publiſhed, ordering, that no cattle whatever, except calves fattened for immediate ſlaughter, nor hides, horns, or hoofs, nor dung, ſhould be imported into this province; from which great advantages may reaſonably be expected.

But the farmers have not the leaſt idea of the extreme ſubtilty of this *virus*. Becauſe it is not perceptible by their ſenſes, they cannot comprehend, and therefore will not believe, that the infectious particles can adhere to their cloaths. We ought therefore, as much as poſſible, to remove from them every opportunity of injuring themſelves and others; and this cannot be better effected than by conſiderably diminiſhing the quantity of the *virus*.

It is inconteſtable, that the *virus* increaſes in the ſame proportion with the diſtemper, and that it is never more abundant, or virulent, than in dying cattle; and therefore I am of opinion, that what deſerves the name of a preſervative beyond any thing hitherto known, and from which, in a country or province where the mortality has appeared, incomparably more advantage may be expected, than from all experiments for diſcovering a cure for the diſtemper, is, that as ſoon as the firſt approaches of the ſickneſs are diſcovered, in milch cows, by the lankneſs of their bellies, and decreaſe of their milk, and in young beaſts by their drowſineſs and a cough, immediately to ſeparate all ſuch cattle from the ſound ones, and to ſlaughter them as ſoon as poſſible.

If not all, or not many of the cattle in the ſame cow-houſe, or paſture, are at the ſame time infected, (as is often ſeen in the ſmall pox, where one ſubject falls ſick after another, that is, when one is infected by the other), they would, in all probability, be, by this precaution, preſerved from the contagion, to which they would be infinitely more expoſed, in the advanced ſtate of the diſtemper, and yet more eſpecially if any die of it.

The owners of the beaſts and their families, as alſo their neighbours and acquaintance who viſited them, would then run little or no riſque of carrying the infection to other cattle.

If therefore theſe circumſtances were well attended to, the *virus* would be reduced almoſt to nothing; conſequently, the ravaging progreſs of the diſtemper would be effectually ſtopped, and even perhaps the infection ſmothered in its very birth. [172.]

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THE tender look, the winning ſmile,
No more ſhall my fond hopes beguile;
Nicé, thy arts are vain;
The pitying Gods my peace reſtore,
Freedom's a golden dream no more,
At length I've burſt my chain.

In me, no wonted ardour glows,
No more my colour ebbs and flows,
When on thy face I gaze;
My heart ne'er flutters at thy name,
No ſymptoms of a lurking flame,
My peaceful breaſts betrays.

At night, in dreams I ſeldom ſee
Thine image; or firſt think of thee
When, in the morn, I wake:
I ne'er, when abſent from thee, ſigh;
No pain perceive when thou art by,
Nor any pleaſure take.

If any one thy beauty prize,
I feel no ſoft emotion riſe,
Or at my wrongs repine;
I wish my rival talk of thee,
But not one ſpark of jealouſy
Diſturbs this breaſt of mine.

View me with pity or diſdain,
Alike thy ſmiles or ſcorn are vain,
Nor love nor hate impart;
Thoſe eyes have loſt their former ſway,
No more can find the well-known way
Once leading to my heart.

Chearful, or ſad, howe'er my days
I paſs, to thee I owe no praiſe,
To thee impute no blame:
The grove, the hill, th'enamell'd green,
Without thee charm; each gloomy ſcene,
With thee, looks ſtill the ſame.

Frankly I own thou ſtill are fair;
But yet, methinks, there others are
Whoſe charms with thine might vie:
Excuſe me—in that lovely face,
I ſpy a fault, that ſeem'd a grace,
To my once partial eye.

When from my breaſt I wrench'd the dart,
I bluſh to think, my tortur'd heart
Was cleft almoſt in twain:
Who would not ſome ſharp pain endure,
The wounds of ſlighted love to cure,
And be himſelf again?

The line-caught bird would rather chuſe
Some plumes, than liberty, to loſe;
Time ſoon that loſs repairs:
In vain we to retake him ſtrive;
The ſky-experienc'd fugitive
Eludes all future ſnares.

Becauſe thou art my frequent theme,
Perhaps ſome latent ſpark may ſeem
Still in my breaſt to burn;
Nicé, when dangers are no more,
As often as we talk 'em o'er,
Our pains to pleaſures turn.

The ſoldier thus, from cruel wars
Returning, loves to count his ſcars,
Fights o'er his paſt campaigns;
Thus, the glad captive, newly free
From a long, painful ſlavery,
Delights to ſhew his chains.

To pleaſe myſelf I talk, nor care,
Whether thou think'ſt me now ſincere,
Or what thy thoughts may be;
I aſk not if my numbers pleaſe,
Or if thy boſom be at eaſe,
If e'er thou talk'ſt of me.

Which of us two wants comfort moſt?
Thou haſt a conſtant lover loſt;
I quit a fickle fair:
Nicé, a heart ſo true, ſo kind
As mine, is very hard to find;
Coequets ſwarm every where.

A PROPOSED INSCRIPTION.

ΧΑΙΡΕ ΌΔΟΙΠΟΡΕ,
ἔρχη, καὶ διαβῆθι:
ὅ,
πολλαὶ τῶν ΠΡΟΓΟΝΩΝ γενεαὶ
μάλιστα ἐπιτεθυμήκασι;
ΤΑΩΝ,
τά, τῦ ΠΗΡΘΟΥ τὸ χεῖλος
παραῤῥεύνται;
τοῖς ὄρεινοις ἐτι χειμαῤῥοις
εἰδανομένον;
ἢ,
τοῖς θαλάσσης κύμασι παλινδρομῆς
καυματιζομένον, καὶ διαμαχομένης;
ὁ καιρος, ὃ ἔνεστὰς
ἀφελείας ἕνεκα δημοσίας,
ἄμυνοντος ΈΜΕΙΟ,
εὔπορον ποιῶν
Διβύλληται.

1770.

AVE VIATOR,
accede, et pervade:
quod,
multa MAJORUM ſecula
magnopere deſiderarunt;
TAUM,
muros PERTHENSES
præterlabentem;
montanis ſive torrentibus
tumidum;
undiſve maris reflui
æſtuoſum, et depræliantem;
hæc ætas,
publico invigilans commodo,
ME ſubveniente,
pervium reddere
voluit.

Alloa. A. Z.

On a Robin's singing over the grave of a lady.

By the author of Poems by Nobody.

STill be the air, unmov'd ev'n Zephyr's wing;
Hark! the sweet warbler pours his plaintive lays,
By nature taught, Fidelia's dirge to sing,
While pensive Echo sighs responsive praise.

That praise she well deserves:—all good and kind,
A soul devoid of cruelty or pride;
Not ev'n the Babes * by you to fame consign'd
More spotless liv'd, or less repining dy'd.

But round the songster looks, with timid gaze:
Oh! let not fear suspend your grateful song;
Like you I wish to sing Fidelia's praise;
Who lov'd Fidelia, ne'er can do you wrong.

To see the feather'd tribes encag'd — the sigh
Wou'd often heave, ——— the tear humane wou'd start,
Pity wou'd glance from either swimming eye;
For Pity's dwelling was Fidelia's heart.

Hark! how the little warbler swells his throat;
His sympathising soul with grief o'erflows;
Pity and love are blended in each note;
Such melody's the soothing nurse of woes.

Sing on:——nor snare, nor ruthless fowler fear;
These sacred reliques will from danger save;
Nor blasting witch or goblin dare appear,
To shed their venom near Fidelia's grave.

Oft when the western sun has downward sped,
To your soul-melting note wou'd she attend;
And when stern Winter threaten'd, constant fed,
And to the Red-breast mourners prov'd a friend.

Sweet tho' your song—(Why swells my throbbing breast?
Why heaves the sigh? why drops the heart-sprung tear?)—
Her song than yours yet sweeter was confess'd;
The melting sound still vibrates on my ear.

Oh! may thy tuneful dirge, sweet bird, each eve,
With soothings kind my anguish'd bosom move:
So may thy heart like mine ne'er know to grieve,
Nor mayst thou mourn like me a widow'd love.

Each flow'r and sweet, cull'd with thy nicest skill,
Strew o'er her grave:—no baleful weed be seen;
But weeping eve her richest dews distil,
And may the hallow'd turf be ever green.

And when no more this pulse shall know to beat,
When all life's powers their functions shall decline;
Oh may—(the flatt'ring hope how soothing!—sweet!)
Oh may my ashes be entomb'd with thine.

R. G.

* *The children in the Wood.*

SIR, *London, June* 30.

Please to accept of some verses transmitted to me from our sister-island. Those who recollect the *Houyhnhnms* and *Yahoos*, will immediately perceive the drift of the satire intended. I find an air of pleasing originality in all Dr Clancy's compositions, and consequently in the verses sent you by, &c.

I. L.

To those gentlemen in London who, from a just sense of the honour due to real merit, have generously contributed to raise a monument to the memory of that inimitable genius Dr JONATHAN SWIFT, *Dean of St Patrick's, Dublin.*

— Extinctus amabitur idem. HOR.

INdignant JOVE, displeas'd to find
The noblest talents of the mind,
Learning, and Wit, and Taste, and Sense,
The choicest gifts he could dispense,
Deep sunk, in this degen'rate age,
In politics and party-rage;
Sent, from the clouds, the nimble god,
The usher of his magic rod,
To let old ORPHEUS know, that men
He chang'd from brutes, are brutes again;
Through base neglect had quite abus'd
Those sky-born arts he once infus'd.
To *Twickenham*'s bow'r the courier flew,
Where *Orpheus* with his lyre withdrew,
And with him brought the tuneful NINE,
To breathe on POPE, their notes divine;—
Charm'd with the soft ambrosial air,
They found a *Helicon* and *Pindus* there.
Arriv'd, the Sire of song he found
High-seated on a rising ground;
SWIFT and POPE on either side,
Ierne's glory, *Albion*'s pride:
Majestic MILTON shot a ray
Of brighter light than *Sol*'s day;
And DRYDEN's quick invention wrought
In fancy's ease, and strength of thought.
The Thracian Bard the message heard,
And shook his venerable beard;
Then looking at the sacred train,
He griev'd to find their labours vain;
Their virtuous rules, in numbers sweet
Convey'd, quite trampled under feet.
The Muses, HOUYHNHNM list'ning stood,
And curs'd the vile, detested brood,
The YAHOO race; that horrid band
By *Lemuel* found in *Houyhnhnm* land:
His wings he flutter'd, furl'd his mane,
And pranc'd and paw'd with rank disdain.
His sprightly warmth the MUSES prais'd,
And thus to Heav'n their voices rais'd:
Great JOVE! who rulest all, incline
To make mens natures CABALINE;
Or form them, by thy plastic force,
At least like *Centaurs*, man and horse,
While *Vandals* of his native soil,
Forgot the *Draper*'s gen'rous toil,

In *Britain*'s ſons alone we ſee,
That men are ſuch as men ſhould be.
Their noble ardour clearly ſhews,
What worth, from innate virtue, flows.
The laurel-crown, our ſpecial gift,
We fix'd, for life, on matchleſs SWIFT:
But they perpetuate the wreathe,
And bid it flouriſh after death.

MICHAEL CLANCY, M. D.

Durrow, in Ireland, June 9. 1770.

The EXPOSTULATION.

To DELIA. *By Lord G.*

FOR ever, O! mercileſs fair,
Will that cruel indifference endure?
Can thoſe eyes look me into deſpair,
And that heart be unwilling to cure?

If I love, will you doom me to die?
Or, if I adore you, upbraid?
Can that breaſt the leaſt pity deny
To the wretch which your beauty has made?

How oft what I felt to diſguiſe
Has my reaſon imperiouſly ſtrove,
Till my ſoul almoſt fell from my eyes,
In the tears of the tendereſt love!

Till render'd unable to flow,
By the torture's exceſs which I bore,
That nature ſunk under the wo,
Or only recovered to more?

Then, Delia, determine my fate,
Nor let me to madneſs be drove;
But, O! do not tell me you hate,
If you even reſolve not to love.

The REPLY.

By Lady Mary S.

O! Ceaſe to mourn, unhappy youth,
Or think this boſom hard;
My tears, alas! muſt own your truth,
And wiſh it could reward.

Th' exceſs of unabating wo
This tortur'd breaſt endures,
Too well, alas! muſt make me know,
The pain that dwells in yours.

Condemn'd like you to weep in vain,
I ſeek the darkeſt grove,
And fondly bear the ſharpeſt pain
Of never-hoping love.

My waſted day, in endleſs ſighs,
No ſound of comfort hears,
And morn but breaks on Delia's eyes
To wake her into tears.

If ſleep ſhould lend her friendly aid,
In fancy I complain,
And hear ſome ſad, ſome wretched maid,
Or ſee ſome perjur'd twain.

Then ceaſe thy ſuit, fond youth, O ceaſe,
Or blame the Fates alone;
For how can I reſtore your peace,
Who quite have loſt my own?

ODE for the year 1770.

LO! I, on eaſy chair reclin'd,
My fire before, my bed behind;
With body ſound as body can be,
Secure from Rock and Lucy Danby;
Without or purſe, or yearly rent,
Or India ſtock — Lo! I'm content;
And ſee! behind yon door two ſhelves appear,
One fill'd with books, and one with Burton beer;
Say then, neglectful of my muſe and reed,
Shall I be mov'd? — *Not I, indeed.*

No birth-day ode, no ball-room ſong,
Begrims my ſoul, belies my tongue;
No borrow'd thouſands me perplex,
No unaccounted millions vex;
No Harpax guards my door, and d—ns my ſoul,
No London Livery covet what I ſtole.
Say then, neglectful of my reed,
Shall I be mov'd? — *Not I, indeed.*

What is't to me, at Ruſſel's ſhrine
That R—g—y daily bends — for wine;
That Dunk, repos'd in B— y's bow'rs,
Enjoys his ſyllabub and whores;
That G—v—lle tir'd of patriot pay,
Rails at the helm he fain would ſway,
And ſwears the Inn's are graceleſs blacks,
For why — G. G—v—lle can't go ſnacks?
For this, neglectful of my eaſe and reed,
Shall I be mov'd? — *Not I, indeed.*

Let G—ſv—, d—ning all his ſtars
For want of ſkill in Venus' wars,
Exchange his Harriet * for his horſe,
And ſeek Newmarket's deſp'rate courſe;
While Hal, with royal vacant face,
At home fills up but half his place,
And pays of pounds five hundred ſcore,
For romping with a Noble w—re;
(Such be the fate of all, whoſe *bounds*
Beat up for game in others *grounds!*)
But ſtill, neglectful of my muſe and reed,
Shall I be mov'd? — *Not I, indeed.*

What is't to me that L—gh—ne dreams,
On flow'ry fields, near ſilver ſtreams?
That J—n—n *ſcientifickly*
Knows *tergiverſibility*,
And, fond of penſion more than praiſe,
Whate'er he ſaid before, unſays;
That B—ck—r—ff, the friend of no man,
And Naſo, friend to ev'ry — woman,
Have all their proſpects and their views,
A whore, a guinea, or a muſe?
For this, neglectful of my eaſe and reed,
Shall I be mov'd? — *Not I, indeed.*

HOLLMINIAN.

* *The name of his Lady.*

On the death of Commodore FORREST.

IS Forreſt dead? Death, thou haſt fell'd an oak
By a moſt cruel and untimely ſtroke;
But ere thou kill'ſt another brave as he,
Old Time ſhall make a heavy blow at thee.

HI-

HISTORICAL AFFAIRS.

TURKY.

"*Warſaw, June* 15. A few days ago, a corps of ſome thouſand Turks and Tartars came ſuddenly upon a Ruſſian poſt between Bender and Yaſſy; when the Ruſſians made a feint of retreating; and thereby drawing the enemy into an ambuſcade, the greateſt part of them were killed or drowned."

"*Temeſwaer, June* 15. The Ottoman army paſſed the Danube the 5th and 6th inſtant, which has cauſed ſuch terror among the inhabitants of Wallachia and Moldavia, that they have fled in vaſt numbers into Tranſylvania for refuge."

"*Preſburg, June* 18. According to ſeveral letters received from Tameſwaer, Cronſtadt, and the frontiers of Tranſylvania, a large body of Turks and Tartars, from Beſſarabia, having attacked the Ruſſians who were beſieging Bender, and the garriſon, compoſed of 1500 Janiſſaries, making at the ſame time making a general ſally, the Ruſſians were beat, loſt a great part of their artillery, and had 8000 men killed and wounded. It is added, that the misfortune of the beſiegers aroſe, as well from the neceſſity Gen. Panin found himſelf under to detach a great number of his beſt troops to defend his magazines at Balta, which were threatened by a large body of Tartars, as from the impediment which Gen. Romanzow, who was coming to cover the ſiege, met with on his march. Many other circumſtances are given, which render this event highly probable.

"*London, July* 21. According to letters from the frontiers of Wallachia, the grand Turkiſh army, conſiſting of 130,000 men, commanded by the Grand Vizir in perſon, having under him the famous Moldavangi Pacha, is in full march to Bender; and Ibrahim Pacha, at the head of 29,000 men, is directing his march towards Choczim and the Nieſter; whilſt a large corps of European militia, reinforced by 20,000 Tartars, is to act on the ſide of the Ukraine. — It is remarked in the above letters, that the Turks are much better provided with cannon and fire-arms than they were laſt year; that their artillery is lighter; their manœuvres eaſier; and that there ſeems to be more order and diſcipline than have uſually heretofore appeared amongſt them. This alteration is attributed partly to the plans of Ibrahim Pacha, and partly to the reſolution taken by the Porte to ſend Aſiatic ſoldiers againſt the Georgians and Greek rebels, and to employ only European troops on the Nieſter."

"*From the Danube, July* 8. We are aſſured, that there was a bloody battle in Moldavia on the 24th ult. between the Turks and Ruſſians, to the diſadvantage of the former, who loſt 40,000 men. We expect a confirmation of this news." *Hague gaz.*

"*Hamburg, July* 10. A courier is arrived at Warſaw with the confirmation of the entire defeat of Abaſa Pacha, who at the head of 30,000 Turks and Tartars had attacked the vanguard of the Ruſſians commanded by M. Bawr, quarter-maſter-general of the Ruſſian army. The Turks fled ſo precipitately, that they left behind them many pieces of heavy artillery, and were briſkly purſued by Prince Repnin, who commands the corps of the late Gen. Stoffeln. — The two Ruſſian armies, under the Generals Panin and Romanzow, are advanced towards Bender, and ſo ſituated that they may mutually ſuccour each other in caſe of neceſſity. The firſt is deſtined to form the ſiege of Bender, and the other to cover it. — A putrid fever rages in Moldavia, and carries off a great number of perſons."

"*Frontiers of Poland, July* 15. Thirty thouſand Turks and Tartars, commanded by Abaſa Pacha and the Kan of Crimea, incamp on the hills between Bender and Faleza. They have made ſome ineffectual efforts to penetrate into Moldavia; and in one of the ſkirmiſhes which they had with the vanguard of the Ruſſian army, they loſt all their pontoons, and two mortars, fifty pounders. The deſign of the Ruſſians is to ſurround this corps, or to oblige it to retire. Gen. Panin is within ſix miles of Bender."

"*Conſtantinople, June* 2. Though the number of Greeks is not ſo great in this city and other parts of the empire in proportion to the other inhabitants, as in the Morea, where it is computed there are ten Greeks to one Turk, nevertheleſs the government is very jealous of them; and accordingly lately ſent for the Patriarch, the Archbiſhops, Biſhops, and heads of their communion, to the ſeraglio, where, after anſwering for the good behaviour of their brothers at the expence of their heads, they took the

oath

oath of fidelity to the Grand Signior."

"*Conſtantinople, June* 16. It is remarked, that the cannon have not yet fired for all the good news that has arrived here by expreſs within the laſt fortnight; probably for fear it ſhould turn out otherwiſe, as was the caſe laſt year, after the greateſt public rejoicings had been made for our ſucceſſes."

"*London, July* 14. The Grand Signior is now at Adrianople, where he keeps a conſtant guard of 30,000 men round the ſeraglio, and admits none but the council and foreign miniſters to ſee him, who are obliged to paſs through a line of guards." —— "Yeſterday morning arrived at Lord Rochford's office Thomas Shadwell, Eſq; ſecretary to Mr Murray, our ambaſſador at Conſtantinople, with the propoſals of peace made by the Turks to the Ruſſians, under the mediation of the Emperor and our court."

"*Trieſte, June* 10. The affairs of the Ruſſians in the Morea are at preſent in a very favourable way. They have beaten three bodies of Turks, one of 7, one of 8, and another of 10,000 men, of whom 700, 1700, and 3000, were left dead on the field. The Ruſſians and Greeks have loſt nearly the ſame number; but this their loſs was ſoon replaced by treble the number of Greeks. The Ruſſians are maſters of the whole peninſula, except Malvaſia and Napoli di Romania, which fort is ſtill beſieging. Theſe accounts may be depended upon."

"*Ancona, June* 19. The day before yeſterday letters arrived from the Morea of good authority, mentioning, that the 30th ult. Prince Orlow had diſpatched 2000 regular troops and 16,000 Mainotes from Navarino to Corinth, to keep their poſt there, in order to prevent the Turks entering the Morea. Thoſe troops paſſed Muſeniga the 4th inſtant, where they met Soldia Baſſa with an army of 30,000 Albanians. They engaged one another at eleven o'clock in the morning, and fought very violently till three in the afternoons. The Turks had 8000 men killed, and 1600 taken priſoners, and loſt twenty-four colours, one officer's ſtaff, twenty kettledrums, five pieces of cannon, and a great deal of baggage and proviſions. The reſt of the army, with Soldia Baſſa, took their flight to Lepanto. The Ruſſians and Greeks had about 400 men killed and 1500 wounded, among whom are ſix officers. As ſoon as this victory was gained, a ſtrong detachment marched to the fortreſs of Polli Caſtro at the ſtreights of the Morea, quickly, to take the ſame. The faithfulneſs of the Greeks and Mainotes, both to their religion and the Empreſs, cannot be expreſſed. — The ſame day Prince Dolgorucki marched to Droboliazza with 16,000 men, part Ruſſians, and part Greeks, to beſiege that capital of the Morea, and to chaſtiſe the governor for his brutality to the principal citizens."

"*Iſtria, June* 18. We have news from the Levant, that Achmet Pacha, who commands a corps of 30,000 Albanians, is already at Napoli di Romania; that his troops put all the Greeks to the ſword whom they meet with out of their villages or under arms; and that the Pacha of the Morea has put to death the Archbiſhop of Tripolizza, and ſome other Greeks of diſtinction, who had been the authors of the inſurrection in their country. — We juſt now receive letters which announce the total defeat of the Ruſſians and Greeks in the Morea, the retaking of Navarino, (the only place remaining in the hands of the Ruſſians), and the almoſt entire deſtruction of the rebellious Greeks."

"*Ancona, June* 19. Letters juſt received from Corfu bring the following intelligence, which may be depended upon. On the 27th of May, at one in the morning, a corps of Turks and Albanians ſuddenly attacked the Greeks, who, in conjunction with the Ruſſians, were beſieging Modon. The Greeks abandoned their poſts, and were partly cut in pieces, notwithſtanding the efforts of the Ruſſians, who courageouſly defended themſelves, and would certainly have repulſed their enemies, had not the commandant of the fortreſs at the ſame time made a ſally, which obliged them to yield to the great number of the infidels, and to abandon their camp, and a battery of twenty pieces of cannon. The Prince Dolgorucki and the young Count d'Orlow were wounded in this action, which coſt the lives of upwards of 2000 Greeks. In the mean time, the Ruſſians having received a reinforcement of 400 freſh troops, drawn from their ſhips, which were at anchor in the gulf of Modon, they attacked (in their turn) the enemy, the greateſt part of whom were employed in pillaging the tents and bagzage, obliged them to retire, and retook poſſeſſion

of

of the battery which they had juſt before loſt. During this ſecond action, the garriſon, which had been reinforced, made another ſally, but were repulſed by the Ruſſians, who afterwards continued the ſiege of the fortreſs."

"*Senegaglia, June* 21. According to our news from the Morea, of the 28th ult. upwards of 20,000 Greeks were fleeing from thence, to ſhelter themſelves from the fury of the Turks."

"*Venice, June* 23. The poſtſcript to a letter from the Morea ſays, "Eleven Turkiſh ſhips have caſt anchor between Scio and Smyrna, where they are waiting for the reſt of the Ottoman fleet; and the Ruſſians have abandoned all the places which they occupied in the Morer except Navarino, to go with all their forces to meet the enemy's fleet; ſo that we expect every hour to receive the news of a naval engagement."

"*Trieſte, June* 28. Letters from the Levant, dated the 17th, 18th, and 19th inſt. adviſe, that 600 Ruſſians and a great number of Greeks made a freſh attack upon Modon, but were repulſed; that the Mainottes afterwards ſeparated themſelves from the Ruſſians, and retired into the mountains with the military cheſt; that Prince Dolgorucki died of his wounds, and that the Ruſſian fleet was preparing to meet the Turkiſh fleet.

"*London, July* 13. The Mainottes of the Morea, (ſo frequently mentioned in the foreign prints), are the remains of the ancient Lacedemonians, and form themſelves a republic at this day. In order to preſerve their freedom and indepency, they pay the Turks an annual tribute, which they raiſe after their own manner. They are governed by magiſtrates of their own; the laws of Lycurgus are ſtill in force, with additions and alterations, to accommodate them to the preſent genius of the people; and they ſtill retain the ſame high notions of liberty which their anceſtors poſſeſſed, though it does not appear that they are inſpired with the ſame warlike ſentiments. They are, however, far from being the mean daſtardly people the Turks have affected to repreſent them, and perhaps only want leaders to draw forth their native courage.

"*Ancona, July* 2. The three principal towns in the iſle of Candia [anciently Crete], viz. Candia, Suda, and Retimo, have declared in favour of the Ruſſians. It is confirmed, that there has been a naval engagement between ſix ſhips of that nation and ſeven Turkiſh caravels, to the advantage of the former."

"*Ancona, June* 25. Letters from Otranto, and others from the Pouille along the gulf of Venice, mention a naval engagement which happened not far from the Morea, between Adm. Elphinſton's ſquadron and the Ottoman fleet, to the great diſadvantage of the Turks."

"*London, July* 28. Confirmation is received, that Adm. Elphinſton has deſtroyed eight Turkiſh ſhips, and was in purſuit of four more."

"*London, July* 19. By letters from Conſtantinople we learn, that the Turkiſh ſquadron cruiſing in the Black ſea, to oppoſe that of the Ruſſians, has ſunk ſome veſſels of the latter laden with troops, which ſailed from Aſoph with deſign to make a landing on the coaſt of Aſia, and to favour the enterpriſe of Gen. Tottleben on the Turcomania.'

"*Vienna, July* 7. Letters from Conſtantinople, dated the 7th ult. adviſe, that the Pacha of Erzerum, in Aſiatic Turky, had defeated the united forces of the Ruſſians and Georgians, commanded by Gen. Tottleben; that this victory had rendered him maſter of the whole country; and that the Porte had cauſed this news to be communicated in form to all the foreign miniſters." *Paris gaz.*

POLAND.

"*Warſaw, July* 4. Col. Drewitz, in his march from Cracow, has diſperſed two parties of the Confederates, and made their commandants priſoners."

"*London, July* 21. They write from Cracow, that ſome detachments of Auſtrian troops had entered the ſtaroſty of Nowitary; but with what deſign, was not known when the letters came away."

"*Dantzick, June* 30. Yeſterday morning about two o'clock, thirty Pruſſian huſſars paſſed the Viſtula, and took poſt upon the territory of this city, in a place guarded by twenty men of our garriſon. Theſe huſſars were followed ſoon after by forty Pruſſian infantry, who ſeized not only on eighty of our ſoldiers, but alſo twelve ſmall pieces of cannon, and all the different poſts which our troops guarded to ſecure us from the inſults of the Confederates. It is reported to-day, that we ſhall ſoon have upon our territory 5000 Pruſſians, who are already in full march with heavy artillery.

tillery. Our magiſtrate having demanded of the reſident from his Pruſſian Majeſty the cauſe of this proceeding, received for anſwer, "That when all the troops were arrived, he would know the ſubject." It is ſaid likewiſe that Pruſſian troops begin to appear on the ſides of the diſtrict of Emerland."

"*Hague, July* 6. Letters from the Lower Elbe adviſe, that the King of Pruſſia has lately deſired leave of the King and republic of Poland, to raiſe 2000 recruits in that kingdom; and that both his Poliſh Majeſty and the ſenate conſented to it. The magiſtrates of Dantzick, for what reaſon is not known, have refuſed to let the Pruſſian officers come there upon that errand, which has ſo much diſguſted his Pruſſian Majeſty, that he has ſent 500 of his troops to march immediately towards the Dantziger Werder, and there raiſe as many men as they want. The Dantzickers are not pitied, eſpecially as they might have followed the example ſet them by the King and the ſenate of Poland."

"*London, July* 21. By a letter from Dantzick, dated the 4th inſt. the King of Pruſſia's reſentment againſt that city ſeems to have taken its riſe from a very trifling cauſe: A few weeks ago, there arrived at the poſt-office, in ſeveral chaiſes, about 100 caſks with ſilver money, directed to M. Junk, the Pruſſian reſident; and as the poſt-office is under the immediate juriſdiction of the King of Poland, the caſks were, according to cuſtom, detained in order to be examined. The reſident inſiſted they ſhould be delivered without being opened; which the comptroller of the poſt-office refuſed; of which refuſal the reſident complained to the magiſtracy; who excuſed themſelves from intermeddling in the affair, as the comptroller acted ſolely by the authority of the King of Poland. M. Junk wrote to the King his maſter an account of what had happened; who immediately ſent a letter to the grand council, inſiſting on the caſks being reſtored unopened, in three days, or to abide the conſequences. This requiſition, with the conſent of the Poliſh miniſter, was complied with; the caſks were delivered as directed, and the money they contained paid to M. de Rhebender, the Ruſſian reſident, for whoſe uſe it ſeemed to be remitted. It was then thought that all was over; but on the 28th paſt, to the aſtoniſhment of the citizens, a body of Pruſſian infantry ſuddenly appeared, made priſoners ſome of the city-guard, and have demanded upwards of 90,000 ducats of the diſtrict of Werder only, by way of ſatisfaction, and in proportion from all other diſtricts."

"*London, July* 21. The grand council of Dantzick having ſent a ſecretary to the Pruſſian reſident, to deſire him to uſe his good offices with the King his maſter to get his troops withdrawn as ſoon as poſſible, the reſident made anſwer, "That he had a long liſt of grievances and inſults which had been committed, as well towards his Pruſſian Majeſty himſelf, as towards his ſubjects; and that the troops in queſtion would not retire till he had received full and ample ſatisfaction." The council, as ſoon as they were informed of this anſwer, diſpatched a ſecretary to all the foreign miniſters, to deſire them, on the part of the three orders of the city of Dantzick, to write to their reſpective courts, and intreat them to intercede with the King of Pruſſia on behalf of the ſaid city. The Pruſſian troops which have entered the Dantzick territory, conſiſt of three regiments, two of infantry, and one of huſſars."

"*Poliſh Pruſſia, July* 12. The conference between the Pruſſian reſident at Dantzick and the magiſtrates there having begun, there appear five points which have occaſioned the Pruſſian troops being ſent into their territories. The firſt relates to the protecting of the rights of the Pruſſian ſubjects; the ſecond, to the inrolled Pruſſian ſubjects who have ſettled in Dantzick; the third, to the inhabitants who would depart out of Dantzick; the fourth, to the freedom of a Pruſſian dock; and the fifth, to the free paſſage of Pruſſian money."

"*London, July* 31. Letters from Berlin import, that ſeveral Pruſſian ſhip-carpenters, &c. were preparing to imbark from Emden for Dantzick, where his Majeſty intends to eſtabliſh a dock-yard, to which the magiſtrates of that city had been forced to give aſſent."

RUSSIA.

"*London, July* 17. By private letters of good authority from Peterſburg we learn, that a fleet is actually ſailed from Aſoph, to the attack of Conſtantinople, on the ſide next the Black ſea; and that it is to be ſeconded in that enterpriſe by another

another fleet, which has been in readineſs for ſome time at Cronſtadt, and is to ſail by the way of the Mediterranean. It is added, that her Imperial Majeſty has rejected the overtures of peace which have been made on the ſide of the Porte, till the ſucceſs of this enterpriſe ſhall firſt be known."

GERMANY.

"*Hague, July* 13. They write from Berlin, that the King of Pruſſia has lately renewed the treaty of defenſive alliance which has long ſubſiſted between him and the Empreſs of Ruſſia; in conſequence of which he is obliged to furniſh her Imperial Majeſty with a ſtipulated number of troops to aſſiſt her againſt her enemies; but as her Imperial Majeſty is now at war with the Turks, againſt whom his Pruſſian Majeſty does not chuſe to have his troops engaged, it is ſaid his Majeſty will ſend a ſum of money proportioned to his engagements, on which account he is going to have a proper quantity of rubles immediately coined."

"*Hamburg, July* 16. It is obſerved, that Pruſſian recruiting parties ſwarm every where, for forty miles round."

UNITED PROVINCES.

"*London, July* 26. They write from the Hague, that the States had given orders for all the barrier-towns of the republic to be fully garriſoned, and the works repaired."

FRANCE.

"*Paris, May* 18. There has been an inſurrection at Tours, on account of the ſcarcity of bread. The intendant it ſeems has been obliged to ſteal away by night; and the archbiſhop is coming to court, to interpoſe his good offices on behalf of the people. The calamity is ſtill greater in the Limoſin and Marche, where it is computed upwards of 4000 perſons have died of poverty and famine. The miniſtry are employed in the means of remedying theſe great calamities; and corn is bringing into different ports: but it will require time to circulate it through the different places where the want of it has been ſo grievouſly felt."

"*London, July* 5. Letters from France give a moſt deplorable account of the diſtreſſes of the people in many of the provinces of that kingdom; where the labourers in general are reduced to the neceſſity of begging, to ſupport a miſerable exiſtence; for it ſeems the condition even of the farmers is ſuch, that they are not able to pay men for their labour, but aſſiſt one another in turn in their huſbandry-work as well as they can; and as to the mechanics in the towns, (according to our correſpondent's account), they are in a manner all ſtarving through the want of work and the dearneſs of proviſions."

"*Paris, July* 9. The high price of corn has occaſioned inſurrections in ſeveral provinces of this kingdom, in ſome of which many perſons have loſt their lives."

"*Paris, July* 22. The ſcarcity of corn, and the dearneſs of bread, have excited riots and complaints in different parts. His Moſt Chriſtian Majeſty has iſſued an *arret du conſeil*, prohibiting exportation, and permitting importation, till further orders." *Lond. gaz.*

"*London, July* 27. We hear from Dunkirk, by letters of the 23d inſtant, that orders were juſt arrived there, for repairing more of the fortifications of that town, and adding ſome new works."

"*London, July* 19. The French are certainly accumulating a conſiderable force at the iſles of Mauritius, in the Eaſtern ocean, (with what intent may eaſily be apprehended), no leſs than three ſhips having ſailed there ſingly within theſe three months, which have touched at Cadiz to take in ſtores before their departure. The laſt, named the *Briſſon*, ſet ſail the 4th inſtant from Cadiz bay, and carries men and proviſions. — It is likewiſe certain, that four ſhips of force ſailed to the ſame iſlands the latter end of laſt year, who were met, in paſſing the Cape, by ſome of our Eaſt-Indiamen lately arrived."

A private letter from Paris informs, that, the third day after her marriage, the Dauphineſs went to pay a viſit to her aunt, the Princeſs Louiſa, who has retired into the Carmelite nunnery at St Dennis [313.]. That religious order is prodigiouſly ſevere, and the noviciate remarkably ſo. When the Dauphineſs was received by the Princeſs, ſhe was conducted to her cell by an old nun, and no other attendant, except Madame Sophia, the King of France's ſecond daughter. The Princeſs Louiſa opened the door of the cell herſelf. She appeared in the habit of a novice of the order, in a flannel ſhift and wooden ſhoes, with-

out ſtockings. She never touches either milk or butter, and feeds meat but twice a-week; and during the laſt quarter of her noviciate, ſhe will not taſte it at all. Her Royal Highneſs's bed is a mattreſs on the floor, with a ſingle coverlet. She ſleeps but five hours in the four-and-twenty, and will not take off her cloaths when ſhe lies down, refuſing any indulgence on account of her rank. She preſented the Dauphineſs with a ſmall crucifix of gold, ſet with diamonds, which belonged to the Queen her mother, and was the only thing of value ſhe had left herſelf. She had a crucifix made of box wood, which ſhe immediately hung to her breaſt inſtead of it."

Italy.

"*Naples, July* 3. We have the melancholy news from Meſſina, that thirty violent ſhocks of the earth had been felt there in the ſpace of eight days; that a great number of houſes were thrown down; and that the poor inhabitants had retired into the fields. The ſame terrible misfortune has happened at Reggio, about twelve miles from Meſſina, where a great number of perſons have been buried under the ruins of their houſes."

Portugal.

"*London, July* 21. Private letters from Paris adviſe, that ſeveral letters have been received there from Liſbon, which give an account, that, on the 19th of laſt month, the King of Portugal iſſued an ordinance, which injoined all the inhabitants of Liſbon, on pain of death, to retire to their houſes on the firing of a gun at a certain hour, and not to ſtir out again till another gun ſhould be fired, the time for which was likewiſe appointed. The King's orders were very punctually obſerved; but when people were at liberty to go abroad again, they were very curious to know the reaſon of their being confined. Some of them accordingly repaired to the place of public execution, where they found thirty-three monks hanged, fifteen gentlemen beheaded, and one man quartered. Theſe unhappy wretches had conſpired againſt the King, and one of them had even made an attempt againſt his life."

"*Paris, July* 20. The Portugueſe ambaſſador has at length undertaken to contradict the extraordinary news, which prevailed here for ſome days, concerning the execution in his country. But it ſeems the following are matters of fact: That there is a line of troops formed on the frontiers of Portugal, who examine all that enter or go out of the kingdom; that there are many eccleſiaſtics, and amongſt them ſome pariſh-prieſts, under arreſt; and that the Portugueſe troops have ſurrounded the convent of the Bernardines at Mini."

"*Paris, July* 20. We know not what to think of the news of the execution in Portugal: for though the ambaſſador from his Moſt Faithful Majeſty affirms that no ſuch thing has happened, yet the public ſtill believe the contrary; and we are aſſured that ſeveral eccleſiaſtics of different orders have been arreſted on the frontiers of the kingdom."

"*London, July* 23. By the moſt authentic accounts from Portugal we are informed, that the conſpiracies there are chiefly owing to the clergy, who have, for ſome time, entertained an opinion, that his Moſt Faithful Majeſty has, from his youth, been inclined to favour the Proteſtants."

"*London, July* 28. We hear from perſons of undoubted credit, who have lately arrived from Liſbon, that there is not a ſyllable of truth in the very extraordinary account of the ſtate-executions there."

British North America.

"*Boſton, May* 26. Poor Capt. Preſton's ſituation is truly deplorable; confined in a horrible gaol, a place fit only for the moſt execrable felons; he repeatedly ſuffers the inſults of the moſt relentleſs uncompaſſionate ſet of mortals breathing: that of the unhappy ſoldiers proportionably worſe. Their trials are to come on the beginning of June; nor are there any hopes for them, unleſs his Majeſty's royal juſtice and clemency are exerted for their protection. Indeed it is much feared that the mob will be their executioners, as the ſovereign power ſeems at preſent to be veſted in them, and they have left no room to doubt of their diſpoſitions. The account of the affair of March 5. which was ſent by the houſe of Repreſentatives to their agents in London, was a groſs miſrepreſentation of facts, filled with the moſt glaring and notorious falſehoods, and ſupported by affidavits which, whatever credit they may meet with on your

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ſide of the water, could have none here, as it is well known how cheaply and readily they may be procured. —— It is needleſs to tell you how many meetings have been held here about reſhipping the goods imported from England. Some are ſtill hardy enough to hold out againſt their arbitrary decrees, though many through fear have complied. —But the method they take to work the people to their purpoſes is curious enough. One of their orators opens the meeting with reading that infamous paper the Whiſperer, the city-remonſtrance, and ſuch other factious papers as they are poſſeſſed of; from whence he takes occaſion to abuſe the King, adminiſtration, and mother-country; and when he finds his audience ſufficiently inflamed, proceeds to the buſineſs of the day. —— A few evenings ago we had what they call a frolick: An officer of the cuſtoms having made ſeizure of a veſſel, the mob roſe, forced him out of his houſe from his wife and family, tarred and feathered him, mounted him on a cart, and paraded him through the whole town; while another party of them carried off the ſeizure. Luckily the commiſſioners were out of town, or they might have ſhared the ſame fate. Few of them indeed dare venture themſelves in town, nor have they held a board, or done any buſineſs, ſince the removal of the troops. Thus is the life, liberty, and property, of every loyal ſubject who chuſes to pay obedience to the laws of his country, left at the mercy of an enraged populace, ſpirited up by a few factious demagogues to commit every kind of violence and outrage; and this, in the language of Boſton, is LIBERTY and PATRIOTISM."

"*Boſton, May* 28. At a meeting of the trade, &c. of this town, at Faneuil-hall, on Friday laſt, a letter was laid before them lately received from the ſtanding committee of merchants in Newport, Rhode iſland; adviſing, that ſeveral perſons (who it is ſaid are chiefly Jews) had imported goods from G. Britain, and refuſed to ſubmit to have them ſtored agreeable to their pledged promiſe. It appeared, that the merchants and inhabitants of Newport were ſo far from diſcovering that reſolution upon this occaſion, which becomes Americans ſtruggling for their rights, as that even their ſincerity in the cauſe is juſtly to be ſuſpected. In this view of the matter, the following votes were paſſed.

"Having by a letter from the late ſtanding committee of merchants at Newport, dated May 9. 1770, been informed, that ſeveral perſons of that place have lately imported Engliſh and Eaſt-India goods from London, and have refuſed to ſtore the ſame, in direct contravention and defiance of their own agreement, entered into and ſubſcribed on the 30th of October laſt, by which every perſon who entered into it, pledged his word and honour, "That if any European or Eaſt-India goods ſhould arrive in that colony upon his or their account, after the 1ſt of January 1770, the ſame ſhould be ſtored, and not offered or expoſed to ſale, until the act impoſing duties on paper, &c. for the ſole and expreſs purpoſe of raiſing a revenue in America, ſhould be repealed:" therefore,

Voted, as the ſenſe of this body, That the conduct of the ſaid perſons betrays a contempt of all the ſentiments of faith, truth, ſincerity, and honour, as well as a total inſenſibility to the intereſt and liberties of their country and poſterity; and therefore that we will renounce all commerce, connection, and intercourſe, with them. And as the inhabitants of Newport in general have not expreſſed their deteſtation and reſentment of ſuch baſe and perfidious behaviour, which their ſiſter-colonies had juſt reaſon to expect, we will break off all trade and commerce with the inhabitants of the ſaid town of Newport, until they ſhall have given full ſatisfaction for their baſe duplicity of conduct towards their brethren on the continent. And we rely upon the public ſpirit and virtue of the inhabitants of Salem, Nantucket, and other trading and fiſhing towns in this province; as alſo of the provinces and colonies of Connecticut, New York, New Jerſeys, Philadelphia, Maryland, Virginia, the Carolinas, &c. that they will heartily concur with us in this reſolution.

And further *Voted*, That we will view in the ſame odious light, and treat in the ſame contemptuous and reſentful manner, all thoſe who ſhall hold commerce with the ſaid merchants and inhabitants of Newport, as we do thoſe who are wicked and hardy enough to have communion with the few importers reſiding in this province.

Voted, That the ſtanding committee of merchants be and are hereby deſired to tranſmit a copy of the foregoing vote to the late ſtanding committee of merchants in Newport, who in their letter have expreſſed the ſentiments of public ſpirit, and a juſt abhorrence of the perfidy of the aforeſaid importers, and the mercenary diſpoſition which their conduct have evidently diſcovered." *Boſton gazette.*

In the ſame gazette is a liſt of ſuch merchants as have lately imported Britiſh goods; to which is ſubjoined the following notice.

"If Mr Lemuel Speare of Braintie, and Mrs Mary Balcher, living near the fortification in Boſton, will deſiſt from purchaſing goods of the Macmaſters, importers, nothing further will be ſaid of the matter! And Mrs Wingfield and Mrs Curtis are requeſted to deſiſt from viſiting the ſaid Macmaſters ſhop, leſt it ſhould be taken for granted, that their viſits are *for no other end* but to purchaſe *unallowed goods*."

London, July 26. Advice is received by a veſſel from New York, that that colony and four others propoſed a congreſs at the town of Norwalk, in Connecticut, to the merchants at Boſton; which the latter declined, as it was ſurmiſed, the intention of the congreſs, was to break up the agreement againſt importing goods; giving for excuſe, that they were only one to many, and therefore might be out-voted. When the news of this refuſal arrived at New York, the merchants met, and then went round the different wards of the town, to take the opinion of the merchants and traders concerning opening the port for the importation of Engliſh goods: after which it appeared, by a great majority, that the port ſhould be opened, with the exception of glaſs, paper, painters colours, and tea; that next December, when the repeal of the three firſt articles commences in America, then they alſo may be imported; but the exception againſt tea is to remain in force till parliament repeals that duty."

"*Boſton, June* 14. Laſt Thurſday being the adjournment of the meeting of the trade, there was a very general attendance.

Near the cloſe of the meeting a letter was read from the committee of merchants in New York, propoſing a congreſs of trade at the town of Norwalk in Connecticut. The buſineſs of the letter was juſt opened, and adjourned to Friday afternoon; when was again as reſpectable an aſſembly in numbers and quality as perhaps had ever attended on a like occaſion; and after a very thorough and deliberate conſideration of the important embaſſy, it was voted unanimouſly, that the body would at all events firmly adhere to the non-importation agreement, and the ſtanding committee were deſired to incloſe the vote in a decent and reſpectful letter to the committee of New York.

The reaſon given for non-concurrence with the propoſal of our brethren at New York, were principally theſe: That any the leaſt alteration in the preſent agreement, now ſo univerſally adopted, lately ratified by our unanimous votes, and publiſhed to all the world, might ſhow a levity of diſpoſition probably injurious to the common cauſe: That Boſton being but one of ſix maritime trading towns in this province, could not think themſelves warranted to venture upon the relaxation of a compact, in which the reſt were equally concerned with themſelves, without their advice and conſent, which was impoſſible to be had before the time appointed for the congreſs: Finally, That as the object of the propoſed relaxation, muſt reſpect an augmented importation in the fall, and that as yet we had obtained no kind of relief from the grievances this meaſure was entered upon to redreſs, we could not admit the queſtion, Whether one iota of it was to be receded from? till its effect was thorough and indubitable.

After this the behaviour of the town of Porſmouth, the capital of New Hampſhire, was agitated, and a committee appointed to conſider of their conduct in importing Britiſh goods, at this critical conjuncture, in a larger proportion than uſual, as if intended to take an unfair advantage of the patriotic ſelf-denial of the merchants in the other colonies, and to draw up a vote reſpecting them, *mutatis mutandis*, ſimilar to that paſſed againſt Newport in Rhode Iſland, and to report at the adjournment, which will be this day ſe'nnight. A vote then was paſſed, importing, That whereas a veſſel was lately arrived here from Briſtol, belonging to Portſmouth in New Hampſhire, with about 4000 buſhels of ſalt, and a parcel of Engliſh goods for that place; and as the trade had lately voted and declined having any intercourſe with Rhode Iſland, for their infamouſly departing

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from the non-importation agreement; and that Portſmouth, from the ſame ſelfiſh views, had never yet come into it, but imported goods indiſcriminately, to the great prejudice of the common cauſe: therefore voted, That no perſon of this body will purchaſe any quantity whatever of this ſalt, on any conſideration, nor may any carrier preſume to cart, or any perſon receive it into their ſtore, on forfeiture of the good opinion of their fellow-citizens."

"*London, July* 26. By a ſhip juſt arrived from America we learn, that the inhabitants of Boſton and Philadelphia had refuſed to agree with thoſe of New York to open their trade with G. Britain."

"*London, July* 26. The merchants of Rhode-iſland, finding themſelves proſcribed in every colony in America, ſince they broke the chain of patriotic reſolves which united all America as one man, have again come to an agreement not to import goods from Britain; though it is imagined, that the late determination of the inhabitants of New York to import Engliſh goods, tea only excluded, will induce them to withdraw from the agreement a ſecond time,"

"*London, July* 19. By a letter from Philadelphia, we learn, that the provinces of Maryland, Virginia, and North Carolina, are unanimous in adhering to the reſolutions of the more northern colonies, not to import Britiſh manufactures until a repeal of the tea act, as well as of all the reſt, ſhall take place."

"*Boſton, June* 15. Every thing here has been quiet ſince the ſoldiers were ſent to the caſtle.—— It has been voted, in a-town meeting, that the iſland of Sable is the fitteſt place in America for the reſidence of the Commiſſioners of the Revenue, and there is a veſſel getting ready to carry them thither."

"*London, July* 23. By the laſt accounts from Boſton we hear, that though the town-meeting had got ready a veſſel to carry the commiſſioners of the revenue to the iſland of Sable; on reconſidering the vote, it was agreed, that the iſland of Bermudas lay more centrical and convenient; they are therefore to proceed thither to eſtabliſh their board; and as it is but a day's ſail from the middle province, and not above eight from the moſt diſtant, it is not doubted here but the meaſure will be highly approved of by the treaſury, being the firſt ſpot in America for a continued correſpondence with all the colonies."

MARRIAGES.

July 11. At London, Earl Fitzwilliam, to Lady Charlotte Ponſonby, daughter of the Earl of Beſborough.

15. At Walcot church, Bath, John Home, Eſq; of Kilduff, author of the tragedy of Douglas, &c. to Miſs Home of Fogo, in Scotland.

P. S. Aug. 2. At Blandfield, near Edinburgh, Mr David Loch merchant in Leith, to Miſs Anna Stewart, only child of Dougald Stewart of Appin, Eſq; deceaſed.

BIRTHS.

July 8. At Hamins Aſtroff, a ſummer-palace of the Grand Duke's, near St Peterſbourg, the lady of Lord Cathcart, delivered of a daughter.

10. At London, the lady of James Townſhend Oſwald, Eſq; of Dunnikier, of a ſon. [xxxi. 502.]

15. The lady of Alexander Manning, Eſq; of Richmond, of two ſons and a daughter, both likely to do well. This lady has had five children within theſe twelve months, having lain-in laſt Auguſt of twins.

18. At Livingſton houſe, the lady of Sir William Auguſtus Cuninghame, Bt. of a ſon.

DEATHS.

February. At Gottenburg, in Sweden, Dr George Ballantyne.

March. At Tripoli, his Daniſh Majeſty's conſul, John Smith, Eſq; a native of Great Britain, inteſtate. *Lond gaz.*

Arthur Forreſt, Eſq; commander in chief of all his Majeſty's ſhips ſtationed at Jamaica. [388.]

June. At Wiſtaſton, near Nantwich in Cheſhire, in the 100dth year of her age, Mrs Bayley, relict of James Bayley, Eſq; She retained her ſenſes in wonderful perfection, till a fatal ſtroke of the palſy put an end to her life.

In the Agenois, in Guyenne, in France, Francis Bons, aged 120.

In Jerſey, Thomas Ball, Eſq; Lieutenant-Governor of that iſland. He was ſon of the late Major Ball of Dingley in Northamptonſhire.

Edward Aſhenhurſt, Eſq; late Major to the Carabineers, and the laſt of the male line of an ancient family, late of Parkhall, in Staffordſhire.

Fountaine Wentworth Oſbaldeſton, Eſq; member for Scarborough. —— The Speaker of the houſe of Commons gave notice, June 18. in the gazette, that this gentleman's death had been certified to him in writing under the hands of two members of parliament, and that he would iſſue a warrant to make out a new writ for electing a member in his room. This is the firſt notice given in purſuance of the late act. [326.]

22. At

22. At London, Dr Akenſide, author of the Pleaſures of the Imagination, a volume of Odes, &c. and a phyſician in a very extenſive practice

24. At London, Thomas Tracey, Eſq; member for Glouceſterſhire. He is ſucceeded in his eſtate of great Tew, in Oxfordſhire, by his brother John Tracey, Eſq; Curſitor Baron of the Exchequer

July 2. At Killian, near Inverary, Mrs Lilias Campbell, relict of John Campbell of Aſkomell, Eſq;

2. At Aberdeen, in an advanced age, Mr John Lumſden, profeſſor of divinity in the King's college, Aberdeen.

3. At London, the Lady of the late Lord William Beauclerk, brother to the late Duke of St Alban's.

4. At Corſehill, Airſhire, in an advanced age, Sir David Cuningham of Corſehill, Bt.

4. At London, Charles Murray, Eſq; collector of the cuſtoms at Borrowſtounneſs.

6. In the Grange, Southwark, Mr Jonas Berrey, aged 112. He was ſaddler to Q. Anne.

8. At Adlington in Lancaſhire, Richard Clayton, Eſq; late Lord Chief Juſtice of the court of Common Pleas in Ireland, and one of the privy counſel in that kingdom.

8. Near Edinburgh, Mr Robert Fleming, printer, and late one of the magiſtrates of that city.

9. At Banff, Mrs Margaret Calder, ſpouſe of James Shand, Eſq; of Craigelie.

11. In France, in the 79th year of his age, John Nairn, Lord Nairn, attainted for being in the rebellion 1745. [viii. 269.]

12. At Edinburgh, Miſs Anne Maitland, daughter of the Hon. Alexander Maitland of Pitrichie, one of the Barons of Exchequer, deceaſed.

12. At Edinburgh, Helen Heron, aged 108. She retained her ſenſes till within a few hours of her death.

12. At London, Charles Jenkinſon, Eſq; member for Appleby, and formerly ſecretary to the Earl of Bute.

12. At Ballindaloch, Major William Grant of Ballindaloch.

12. At Uxbridge, aged 104, Mr Jefferies, a farmer of that place.

14. At Invergordon, Mrs Helen Weir, ſiſter to Lady Gordon.

15. At Perth, Mrs Richardſon of Springfield.

15. At Hermanſtown, Mrs Katharine Walkinſhaw, ſpouſe of John Macfarlane, Eſq; younger of Macfarlane. [287.]

At Brixham, in the county of Devon, John Sparke, aged 105. He was carried to the grave by eight men and women, who were all his grandchildren, the eldeſt of whom was forty years of age, and none of them married.

17. At Briſtol hot-wells, the Hon. Miſs Gordon, only daughter of the late Lord Kenmore. [249.]

18. At Dublin, Lady Sarah Stewart, wife of Robert Stewart, Eſq; and daughter of the Earl of Hertford.

19. At his ſeat of Moyhall, Inverneſsſhire, in the 68th year of his age, Æneas Mackintoſh of Mackintoſh, Eſq: He ſerved his king and country in the fleet and army upwards of forty years.

19. At Edinburgh, Mrs Mary Douglas, widow of Major William Hepburn, and ſiſter to the Ducheſs of Douglas.

19. At his houſe in Broughton, near Edinburgh, Lt-Col. William Rickſon, of the 19th regiment of foot, quartermaſter-general, and ſuperintendent of the highways for North Britain.

20. At Brediſholm, near Glaſgow, James Groſette Muirhead, Eſq; of Brediſholm.

23. At Glaſgow, Archibald Ingram, Eſq; merchant, and late provoſt of that city.

23. At Brightheimſtone, George Cockburne, Eſq; Comptroller of the Navy.

24. Lord Charles William Cavendiſh Bentinck, one of the ſons of the Duke of Portland.

26. At his houſe near Edinburgh, Alexander Macmillan of Dunmore, Eſq; deputy-keeper of his Majeſty's ſignet.

28. At his lodgings in Clifton, near Briſtol, aged upwards of 80, Robert Dinwiddie, Eſq: This gentleman was, in early life, appointed collector of the cuſtoms in the iſland of Bermuda. When the ſituation of the revenues in the Caribbee iſlands were in great diſorder, he was ſent charged with the commiſſion of inſpector and ſurveyor general over the cuſtoms in thoſe iſlands, with full power to regulate and reform them. His abilities and uprightneſs in the execution of this truſt procured him the place of ſurveyor-general of the cuſtoms in the ſouthern diſtrict of North America. In 1750 he was appointed Lieutenant-Governor and Commander in Chief of Virginia; over which colony he preſided many years with great reputation, till he obtained leave to retire from public buſineſs.

"*Copenhagen*, *July* 28. The famous old man of the North, Chriſtian Jacob Drakenberg, lately died at Aarhuus, in the 146th year of his age. He was born at Stavenger in Norway in the year 1624, and lived ſingle till the age of 113 years, when he married a widow of ſixty years of age. During the latter part of his life he was frequently viſited by perſons of the higheſt rank, who were curious to ſee and converſe with him."

30. At Jerviſton, Mrs Anne Niſbet, daughter of the late Archibald Niſbet of Carſin, Eſq;

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PREFERMENTS.

From the London gazette.

Whitehall, July 14. The King has been pleaſed to direct, that the iſland of Dominica ſhould be erected into a government ſeparate from, and independent of, the general government of the Southern Caribbee iſlands, of which it before made a part; and to appoint Sir William Young, Bt. to be Captain-General and Governor in Chief of the ſaid iſland of Dominica.

St James's, July 30. The King has been pleaſed to grant unto Humphrey Brookes and George Wickins, Eſqs. reſpectively, full power to uſe the ſurname and arms of *Oſbaldeſton*, purſuant to the will of Fountayne Wentworth Oſbaldeſton, Eſq; their uncle, deceaſed.

War office, June 7.

1ſt batt. of the royal reg. of foot: Maj. James Dalrymple is appointed to be Lieutenant-Colonel, vice James Edmonſtone; by purchaſe.

Ditto: Capt. Thomas Fraſer to be Major, vice James Dalrymple; by purchaſe.

4th reg. of foot: Lieut. Harry Rooke, from half-pay, to be Lieutenant, vice Andrew Robinſon Stoney, who exchanges.

8th reg. of foot: Capt.-Lieut. Theophilus Dame to be Captain, vice Muſſenden Johnſton; by purchaſe.

Ditto: Lieut. George Forſter to be Captain-Lieutenant, vice Theophilus Dame; by purchaſe.

Ditto: Enſ. Robert Mathews to be Lieutenant, vice George Forſter; by purchaſe.

Ditto: Richard Leighton Kynnerſley, Gent. to be Enſign, vice George Forſter; by purchaſe.

11th reg. of foot: John Teneate, Gent. to be Enſign, vice Robert Newton; by purchaſe.

17th reg. of foot: Thomas Rudd (Clerk) to be Chaplain, vice John Caulfield; by purchaſe.

Ditto: Lieut. Thomas Hog, from half-pay, to be Lieutenant, vice Thomas Yeamans Elliott, who exchanges.

18th reg. of foot: John Joyner Ellis, Gent. to be Enſign, vice William Richardſon, preferred.

19th reg. of foot: Enſ. John Bell to be Lieutenant, vice William Green; by purchaſe.

Ditto: John Turner, Gent. to be Enſign, vice John Bell; by purchaſe.

21ſt reg. of foot: Sec. Lieut. Colin Mackenzie, from half-pay, to be Firſt Lieutenant, vice Charles Williams, who exchanges.

Ditto: Robert Innes, Gent. to be Second Lieutenant, vice John Brown; by purchaſe.

22d reg. of foot: Maj. James Abercromby, from half-pay, to be Lieutenant Colonel, vice David Wedderburn, who exchanges.

32d reg. of foot: Enſ. William Monerieffe to be Lieutenant, vice John Wolfe; by purchaſe.

Ditto: Claud Edie, Gent. to be Enſign, vice William Monerieffe; by purchaſe.

35th reg. of foot: John Prince, Gent. to be Enſign, vice Thomas Armſtrong, preferred.

Ditto: John Le Meſurier, Gent. to be Enſign, vice Robert Gray, by purchaſe.

36th reg. of foot: Maj. Allan Campbell, from half-pay, to be Major, vice William Hunter, who exchanges.

37th reg. of foot: Capt. John Gordon, from half-pay, to be Captain, vice George Cartwright, who exchanges.

Ditto: Lieut. Archibald Lamont, from half-pay, to be Lieutenant, vice John MacMurdo, who exchanges.

43d reg. of foot: Capt. William Stewart, of the 8th regiment of dragoons, to be Captain, vice Captain James Stewart, who exchanges.

52d reg. of foot: Lieut. Andrew Macilwaine, from half-pay, to be Lieutenant, vice Marmaduke Coghill Savage, who exchanges.

59th reg. of foot: Surgeon's Mate Trotter Hill to be Surgeon, vice Thomas Page, who reſigns.

65th reg. of foot: Lieut. John Watſon to be Quartermaſter.

67th reg. of foot: Enſ. William Ruxton to be Lieutenant, vice Wadham Wyndham; by purchaſe.

Ditto: Edward Harrington, Gent. to be Enſign, vice William Ruxton; by purchaſe.

68th reg. of foot: Enſ. William Potts to be Lieutenant, vice John Shewcraft; by purchaſe.

Enſ. Thomas Armſtrong, of the 35th regiment of foot, to be Fort-Major of Dartmouth, vice Nicholas Dunbar.

War-office, June 23.

Royal reg. of horſe-guards: Cornet Giles Eyre is appointed to be Lieutenant, vice Henry Vernon; by purchaſe.

Ditto: William Sotheron, Gent. to be Cornet, vice Giles Eyre; by purchaſe.

3d reg. of dragoon-guards: Capt. John Manſell to be Major, vice Lt.-Col. Edward Milbanke; by purchaſe.

Ditto: Lieut. Richard Brooke to be Captain, vice John Manſell; by purchaſe.

Ditto: Cornet James Ford to be Lieutenant, vice Richard Brooke; by purchaſe.

Ditto: Henry Yarburgh, Gent. to be Cornet, vice James Ford; by purchaſe.

11th reg. of dragoons: Capt. Ralph Dundas to be Major, vice David Bell; by purchaſe.

Ditto:

Ditto: Lieut. Alexander Hart to be Captain, vice Ralph Dundas; by purchaſe.

Ditto: Cornet Roger Aytoun to be Lieutenant, vice Alexander Hart; by purchaſe.

Ditto: George Warrander, Gent to be Cornet, vice Roger Aytoun; by purchaſe.

15th reg of dragoons: Maj. George Ainſlie to be Lieutenant-Colonel, vice ſir William Erſkine; by purchaſe.

Ditto: Capt David Dundas to be Major, vice George Ainſlie; by purchaſe.

Ditto: Capt.-Lieut George Parkyns to be Captain, vice David Dundas; by purchaſe.

Ditto: Lieut. John Floyd, to be Captain-Lieutenant, vice George Parkyns; by purchaſe.

Ditto: Cornet James Chaloner to be Lieutenant, vice John Floyd; by purchaſe.

Ditto: Evelyn Anderſon, Gent. to be Cornet, vice James Chaloner; by purchaſe.

1ſt reg. of foot-guards: Enſ. John Thomas De Burgh to be Lieutenant, vice Edward Manners; by purchaſe.

1ſt batt. of the royal reg. of foot: Peter Adriol Drummond, Gent. to be Enſign, vice James Joſhua Evans; by purchaſe.

2d batt of the royal reg. of foot: Enſign David Balfour to be Lieutenant, vice John Eliott; by purchaſe.

Ditto: Lieut. Alexander Campbell to be Quartermaſter, vice John Eliott

11th reg. of foot: William Bury, Gent. to be Enſign, vice William Tomkins, preferred; by purchaſe.

12th reg. of foot: Lieut. George M'Gill, from half-pay, to be Lieutenant, vice Thomas Cotes, who exchanges.

20th reg. of foot: Capt. Edmund Armſtrong, from half-pay, to be Captain, vice James Stuart, who exchanges.

35th reg. of foot: John Graves Simcoe, Gent. to be Enſign, vice John Prince, preferred.

39th reg. of foot: Lieut. Thomas Parry of the 7th regiment of dragoons, to be Captain, vice John Gordon; by purchaſe.

Ditto: Enſ. Archibald Buchanan from half pay, to be Enſign, vice Rowland Godfrey, who exchanges.

52d reg of foot: Enſ. George Hamilton to be Lieutenant, vice John Hawkeſley; by purchaſe.

59th reg. of foot: Capt.-Lieut. Charles Moore to be Captain, vice Joſeph Williams; by purchaſe.

Ditto: Lieut. James Figge, to be Captain-Lieutenant, vice Charles Moore; by purchaſe.

Ditto: Enſ. Dennet Milton Woodward to be Lieutenant, vice James Figge; by purchaſe.

70th reg. of foot: Enſ. Ruſſell Chapman from half-pay, to be Enſign, vice John Gerard Fleetwood, who exchanges.

New Members. [xxxi. 168.]

Alexander Wedderburn, for Biſhop's Caſtle, in the room of William Clive, appointed Steward of the manors of the three Eaſtern Hundreds.

Paul Fielde, for Hertford, —— William Cowper, deceaſed.

Sir Thomas Pym Hales, for Dover, —— Viſc Villiers, now Earl of Jerſey.

Arnold Neſbit, for Winchelſea, —— Thomas Orby Hunter, deceaſed.

Francis Cuſt, for Grantham, —— the late Speaker, his brother, deceaſed.

George Adams, for Litchfield, —— Thomas Anſon, appointed Steward of the three Eaſtern Hundreds.

William De Grey, Attorney General, for Cambridge univerſity, —— Chancellor Yorke.

Sir Robert Bernard, for Weſtminſter, —— Edwin Sandys, now Lord Sandys. —— Elected April 30. — without oppoſition, and without any expence to Sir Robert. — When the election was over, Sir Robert addreſſed the electors thus: "Gentlemen, I am exceedingly obliged to you for the very great honour you have this day done me. The noble manner in which you have been pleaſed to ſhew me your regard, fills me with pleaſure; which can only be exceeded by a repetition of your favours, after his Majeſty ſhall, in compliance with the repeated requeſts of his people, have been graciouſly pleaſed to diſſolve the preſent parliament."

Prices of grain at Haddington, Aug. 10. 1770.

	Beſt.	*Second.*	*Third.*
Wheat,	20 s. 0 d.	19 s. 6 d.	17 s. 10 d.
Bear,	15 s. 6 d	14 s. 8 d.	13 s. 9 d.
Oats,	15 s. 8 d	14 s. 6 d.	13 s. 4 d.
Peaſe,	14 s. 6 d.	14 s. 0 d.	12 s. 2 d.

Edinburgh, Aug. 17. 1770. Oat-meal, 1 s. Bear-meal, 7 d. 2 f. Peaſe-meal, 8 d.

The Edinburgh bill of burials for July 1770.

Within the city	Males 25, Fem. 28	53	82. Decr. 15.
In the Weſt-kirk-yard	Males 12, Fem. 17	29	

Age.			N°	Diſeaſes.	N°
Under		2	28	Aged ——	12
Between	2 &	5	5	Bowelhive ——	1
	5 &	10	6	Childbed ——	2
	10 &	20	5	Chincough ——	22
	20 &	30	3	Conſumption ——	15
	30 &	40	3	Fever ——	17
	40 &	50	6	Iliac paſſion ——	1
	50 &	60	7	Rhumatiſm ——	1
	60 &	70	10	Small pox ——	2
	70 &	80	3	Suddenly ——	1
	80 &	90	4	Suppreſſion of urine	1
	90 &	100	2	Teething ——	7